

## HOUSE OF REPRESENTATIVES—Thursday, May 30, 1991

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of St. Francis of Assisi:

Lord, make us instruments of your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is darkness, light; where there is sadness, joy.

Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we are pardoned; and it is in dying that we are born to eternal life. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. WALSH] please come forward and lead the House in the Pledge of Allegiance.

Mr. WALSH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT AS MEMBER OF NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

The SPEAKER laid before the House the following communication from the Honorable ROBERT H. MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 24, 1991.

Hon. THOMAS S. FOLEY,  
Speaker of the House, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Sec. 203, Public Law 99-660, as amended by Title IV of Public Law 100-436, I hereby appoint the gentleman from Pennsylvania, Mr. Goodling, to serve as a member of the National Commission to Prevent Infant Mortality.

Sincerely,

BOB MICHEL,  
Republican Leader.

## APPOINTMENT AS MEMBER OF BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of 20 U.S.C. 42 and 43, the Chair appoints on the part of the House to the Board of Regents of the Smithsonian Institution to fill the existing vacancy thereon the gentleman from Pennsylvania [Mr. MCDADE].

## APPOINTMENT AS MEMBERS OF THE MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

The SPEAKER. Pursuant to the provisions of section 4(a) of Public Law 98-399, the Chair appoints as members of the Martin Luther King, Jr., Federal Holiday Commission the following Members of the House:

Mr. WHEAT of Missouri;  
Mr. SAWYER of Ohio;  
Mr. REGULA of Ohio; and  
Mr. FRANKS of Connecticut.

## APPOINTMENT AS MEMBERS OF HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER. Pursuant to the provisions of section 5(b) of Public Law 93-191, the Chair appoints as members of the House Commission on Congressional Mailing Standards the following Members of the House:

Mr. CLAY of Missouri, chairman;  
Mr. SOLARZ of New York;  
Mr. FORD of Michigan;  
Mr. HORTON of New York;  
Mr. YOUNG of Alaska; and  
Mr. ROBERTS of Kansas.

## WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2426, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1992

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 159 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 159

Resolved, That during consideration of the bill (H.R. 2426) making appropriations for military construction for the fiscal year ending September 30, 1992, and for other purposes, all points of order against the following provisions in the bill for failure to comply with clause 2 of rule XXI are waived; beginning on page 2, line 3, through page 11, line 2.

The SPEAKER. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of the resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 159 is the rule waiving points of order against certain provisions of the bill, H.R. 2426, the military construction appropriations for fiscal year 1992.

Since general appropriations bills are privileged under the Rules of the House, the rule does not provide for any special guidelines for the consideration of the bill. Provisions related to time for general debate are not included in the rule. Customarily, Mr. Speaker, general debate time is limited by a unanimous-consent request by the chairman of the Appropriations Subcommittee prior to the consideration of the bill.

The rule waives clause 2 of rule XXI against specified provisions of H.R. 2426. Clause 2 of rule XXI prohibits unauthorized appropriations and legislative provisions in general appropriations bills. The provisions receiving this waiver are designated in the rule by reference to page and line in the bill.

Mr. Speaker, H.R. 2426 appropriates approximately \$8.48 billion for fiscal year 1992 military construction and family housing for the various branches of the Department of Defense. It is consistent with the budget resolution for fiscal year 1992 which recently passed the House and the Senate.

The bill appropriates \$39.3 million in funding for projects at Wright-Patterson Air Force Base, which is partially located in my congressional district. Included in that figure is \$20 million in funding for a building to house the acquisition work force at the Aeronautical Systems Division [ASD]. This facility will help consolidate engineers, scientists, and program managers who work on new weapons systems for the Air Force. It is viewed as the cornerstone of an effort to modernize ASD's facilities for the next century. The bill also appropriates funds for an Avionics Research Laboratory and a needed taxiway at Wright-Patterson, as well as a new fire and security station at the Defense Electronics Supply Center [DESC].

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These projects are important to our country's national security and to the community of Dayton, OH, which has been a world leader in aviation since the days of the Wright brothers. I commend my colleagues for including them in the reported bill.

Mr. Speaker, under the normal rules of the House, any amendment which does not violate any House rules could be offered to H.R. 2426. The rule received unanimous support in the House Rules Committee, and I urge my colleagues to adopt it.

Mr. McEWEN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I would thank my good friend and colleague, the gentleman from Ohio [Mr. HALL] who has fully explained the provisions of this rather simple rule.

The waivers are necessary because the authorization bill was passed by the House only last week and, obviously, has not worked its way completely through the legislative process.

I commend the chairman and the ranking Republican member of the Military Construction Subcommittee, the gentleman from North Carolina [Mr. HEFNER] as well as the gentleman from California [Mr. LOWERY] for their diligent work in putting this legislation together. They have brought forth a bill to the floor in a timely manner that falls within the 602(b) allocation. They have worked to balance the changes in our Armed Forces and also provide for the facilities and family housing needs for our servicemembers and their families.

My friend and colleague from Ohio mentioned the bill provides \$8.5 billion in new appropriations, which is \$120.8 million above the fiscal year 1991 level, although it is \$80 million below the President's request. These are funds appropriated for a most worthy purpose: improving the quality of life for those who serve our country protecting American freedom and interests. Although I support the committee's efforts, the bill raises some serious concerns.

Mr. Speaker, I would like to note that the administration's policy statement, which I would ask to be inserted in the RECORD following my remarks, points out that the committee bill would significantly change the administration priorities. Administration requests are reduced \$677 million, while programs unrequested by the President are provided \$597 million.

Now, one provision that is particularly concerning is the substantial reduction in NATO infrastructure obligations. The bill provides \$158.8 million for NATO infrastructure projects. This is a reduction of \$33.9 million from last year, and \$200 million below the President's expression of needs. This 55-percent reduction in funding for NATO infrastructure obligations continues an unfortunate trend in this House to ig-

nore the benefits to America in our national security infrastructure around the globe. NATO infrastructure improvements are not simply overseas construction projects. The Secretary of Defense and the President did not request \$358.8 million because they support pork barrel projects in Western Europe. The President and the Secretary of Defense are committed to the goal that we share, improving the quality of life for our service men and women and maintaining the most effective force structure and facility possible to protect our Nation. Modern bases for NATO projects protect American interests in that vital region.

Although the United States is certain to reduce the level of forces stationed in Western Europe in the coming years, the United States must remain a vital member of the strong NATO alliance. While the administration is involved in these very delicate negotiations with our allies to develop a comprehensive and coherent NATO force structure for the 1990's and beyond, it is simply dangerous and unwise to unilaterally and drastically reduce our NATO obligation. This step will not only have serious repercussions for the whole alliance, but at this spending level the United States cannot meet its obligations and commitments for contracts that are already under way.

□ 1010

I support the administration's commitment to full participation in NATO in the future. A strong NATO does not simply provide security for the democracies of Western Europe, it protects us as well. A strong NATO protects the United States of America. Although I applaud the committee's efforts, I have concerns with the general trend toward drastic and unilateral reductions in American forces and defense infrastructure outside of the United States.

In contrast with the reduction in the treatment of NATO infrastructure projects, the committee funds National Guard and Reserve military construction projects at a level of \$470.5 million, \$219.6 million above last year's level alone, and nearly \$20 million above the President's request.

Once again, I would like to express my support for the comprehensive proposal of the Secretary of Defense to conduct a build down of our armed services that maintains a capable national security force. A force that can do in the year 2000 what our fine soldiers, sailors, and airmen did in the Persian Gulf in 1991.

The balance between full-time active duty forces and the National Guard and Reserve is an important aspect of this build-down program. The National Guard and Reserve are a vital part of the total force policy for the future. They proved their value recently. This

country depends on them. We are proud of them.

As the total defense budget continues to decline in real terms, I certainly hope that in assuring the ability of the Guard and Reserve to carry out their mission that the House does not distort funding in a way that reduces the effectiveness of the total force's capability.

Finally, the bill contains two language provisions which the administration finds objectionable. The first, section 113, would require notification to congressional committees prior to conducting military exercises involving construction costs anticipated to exceed \$100,000. The second, section 117, would require a report to congressional committees on details of efforts to encourage NATO nations and Japan to assume a greater share of the common defense burden. The administration urges that the House delete these sections which it finds objectionable based on the President's constitutional powers of Commander of our Armed Forces and the right to conduct foreign affairs.

Mr. Speaker, under this rule reported by the Rules Committee these changes can be made. I support the rule so that the House can get down to business and complete its action promptly on the military construction appropriations bill for the fiscal year 1992.

Mr. Speaker, I especially applaud the statements by the gentleman from Ohio concerning the Wright-Patterson Air Force Base, a significant cog in our national security alliance that has been protected by the gentleman from Ohio very ably, not only in this bill, but throughout his term in the Congress. I wish the gentleman the best.

OFFICE OF MANAGEMENT AND BUDGET,  
Washington, DC, May 29, 1991.

STATEMENT OF ADMINISTRATION POLICY  
(H.R. 2426—Military Construction Appropriations Bill, FY 1992—Sponsors: Whitten, Mississippi; Hefner, North Carolina)

This Statement of Administration Policy expresses the Administration's views on H.R. 2426, the Military Construction Appropriations Bill, as reported by the House Appropriations Committee. On the basis of OMB's preliminary scoring of the bill, the Committee recommendations are within the House 602(b) allocation for Military Construction activities. In aggregate, the House 602(b) allocations are consistent with the statutory spending limits enacted in the Budget Enforcement Act.

Although the Committee bill, in total, is only \$80 million below the President's request, it would significantly change Administration priorities. The Committee has recommended \$677 million in reductions to the President's requests, including a \$200 million reduction in NATO Infrastructure funding. The bill would provide an additional \$597 million for programs unrequested by the Administration. The Administration urges the House to restore funding to requested levels and to delete unrequested projects and provisions.

The \$200 million reduction in NATO Infrastructure funding (from \$359 million to \$159 million) is particularly troublesome. This



would prevent the United States from meeting commitments to NATO by forcing termination or stretch-out of projects supporting Conventional Forces in Europe (CFE) Treaty compliance.

The bill also contains objectionable language provisions. Section 113 would require

notification of Congressional committees prior to conducting military exercises involving construction costs anticipated to exceed \$100,000. Section 117 would require a report to Congressional committees on details of efforts to encourage NATO nations and Japan to assume a greater share of the com-

mon defense burden. The Administration urges the deletion of these sections, which raise concerns regarding the President's constitutional powers as Commander-in-Chief and in the conduct of foreign affairs.

## MILITARY CONSTRUCTION APPROPRIATIONS BILL, FY 1992

[In millions of dollars]

Major programs	Fiscal year 1991 enacted		Fiscal year 1992 President's budget		House Committee action		House difference from:			
							Enacted		Request	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
<b>Defense (DSO)</b>										
Military Construction:										
Defense agencies	533	481	726	576	746	578	213	97	20	2
NATO infrastructure	193	366	359	368	159	318	-34	-48	-200	-50
Navy	1,126	1,140	879	1,123	792	1,109	-334	-31	-87	-14
Army	677	813	870	794	839	788	161	-25	-32	-6
Air Force	898	1,063	1,108	1,044	1,035	1,036	137	-28	-73	-9
National Guard/Reserves	690	534	281	599	471	615	-220	81	189	16
Subtotal, Military Construction	4,117	4,397	4,224	4,504	4,041	4,442	-76	46	-183	-62
Base realignment & closure account	998	207	734	500	759	563	-240	357	25	3
Family Housing:										
Army	1,525	1,570	1,534	1,506	1,579	1,521	54	-49	46	16
Navy & Marine Corps	855	838	880	857	908	877	53	39	28	10
Air Force	888	908	1,082	1,011	1,086	1,020	198	111	4	9
All other Family Housing	28	19	110	34	110	35	84	16		1
Subtotal, Family Housing	3,296	3,338	3,608	3,418	3,684	3,453	389	117	78	35
Total, Military Construction	8,410	7,939	8,563	8,422	8,483	8,458	73	519	-80	-23

Mr. McEWEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 390, nays 4, not voting 37, as follows:

[Roll No. 120]

YEAS—390

Abercrombie  
Alexander  
Allard  
Anderson  
Andrews (ME)  
Andrews (NJ)  
Andrews (TX)  
Annunzio  
Anthony  
Applegate  
Archer  
Arney  
Atkins  
Baker  
Ballenger  
Barrett  
Barton  
Bateman  
Beilenson  
Bennett  
Bentley

Bereuter  
Berman  
Bevill  
Bilbray  
Billie  
Boehlert  
Boehner  
Bonior  
Borski  
Boucher  
Boxer  
Brewster  
Broomfield  
Browder  
Brown  
Bruce  
Bryant  
Bunning  
Burton  
Bustamante  
Byron

Callahan  
Camp  
Campbell (CA)  
Campbell (CO)  
Cardin  
Carper  
Carr  
Chapman  
Clay  
Clement  
Clinger  
Coble  
Coleman (MO)  
Coleman (TX)  
Collins (IL)  
Collins (MI)  
Combest  
Condit  
Conyers  
Cooper  
Costello

Cox (CA)  
Cox (IL)  
Coyne  
Cramer  
Cunningham  
Darden  
de la Garza  
DeFazio  
DeLauro  
DeLay  
Dellums  
Derrick  
Dicks  
Dingell  
Dixon  
Donnelly  
Doolittle  
Dorgan (ND)  
Dornan (CA)  
Downey  
Dreier  
Duncan  
Durbin  
Dwyer  
Early  
Eckart  
Edwards (CA)  
Edwards (TX)  
Emerson  
English  
Erdreich  
Espy  
Evans  
Fascell  
Fawell  
Fazio  
Feighan  
Fish  
Foglietta  
Ford (MI)  
Ford (TN)  
Frank (MA)  
Franks (CT)  
Frost  
Gallo  
Gallagher  
Gallo  
Gaydos  
Geddes  
Gekas  
Gephardt  
Geren  
Gibbons  
Gilchrest  
Gillmor  
Gillman  
Gingrich  
Glickman

Gonzalez  
Gordon  
Goss  
Gradison  
Grandy  
Gray  
Green  
Guarini  
Gunderson  
Hall (OH)  
Hall (TX)  
Hamilton  
Hammerschmidt  
Hansen  
Harris  
Hastert  
Hatcher  
Hayes (IL)  
Hayes (LA)  
Hefley  
Hefner  
Henry  
Herger  
Hertel  
Hoagland  
Hobson  
Hochbrueckner  
Holloway  
Horn  
Hoyer  
Hubbard  
Huckaby  
Hughes  
Hunter  
Hutto  
Hyde  
Inhofe  
Ireland  
Jacobs  
Jenkins  
Johnson (CT)  
Johnson (SD)  
Johnson (TX)  
Johnston  
Jones (GA)  
Jones (NC)  
Jontz  
Kanjorski  
Kaptur  
Kennedy  
Kennelly  
Kildee  
Kleczka  
Klug  
Kolbe  
Kolter  
Kopetski

Kostmayer  
Kyl  
LaFalce  
Lagomarsino  
Lancaster  
Lantos  
LaRocco  
Laughlin  
Leach  
Lehman (CA)  
Lehman (FL)  
Lent  
Levin (MI)  
Lewis (CA)  
Lewis (FL)  
Lewis (GA)  
Lightfoot  
Lipinski  
Livingston  
Lloyd  
Long  
Lowery (CA)  
Lowery (NY)  
Lukens  
Machtley  
Manton  
Markay  
Markey  
Martin  
Martinez  
Matsui  
Mavroules  
Mazzoli  
McCandless  
McCloskey  
McCollum  
McCurdy  
McDade  
McDermott  
McEwen  
McGrath  
McHugh  
McMillan (NC)  
McMillen (MD)  
McNulty  
Meyers  
Mfume  
Miller (CA)  
Miller (OH)  
Miller (WA)  
Mineta  
Mink  
Moakley  
Molinari  
Mollohan  
Montgomery  
Moody  
Moorhead

Moran  
Morella  
Morrison  
Murphy  
Murtha  
Myers  
Nagle  
Natcher  
Neal (MA)  
Neal (NC)  
Nichols  
Nowak  
Nussle  
Oakar  
Obey  
Olin  
Ortiz  
Orton  
Owens (NY)  
Oxley  
Packard  
Pallone  
Panetta  
Parker  
Patterson  
Paxon  
Payne (NJ)  
Payne (VA)  
Pease  
Pelosi  
Penny  
Perkins  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pickle  
Porter  
Poshard  
Price  
Pursell  
Quillen  
Rahall  
Ramstad  
Rangel  
Ravenel  
Ray  
Reed  
Regula  
Rhodes  
Richardson  
Ridge

Rinaldo  
Ritter  
Roberts  
Roe  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rose  
Rostenkowski  
Roth  
Roukema  
Rowland  
Roybal  
Russo  
Sabo  
Sangmeister  
Santorum  
Sarpalius  
Savage  
Sawyer  
Saxton  
Schaefer  
Scheuer  
Schiff  
Schroeder  
Schulze  
Schumer  
Sensenbrenner  
Serrano  
Sharp  
Shaw  
Shays  
Shuster  
Sikorski  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slattery  
Slaughter (NY)  
Slaughter (VA)  
Smith (FL)  
Smith (IA)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Snow  
Solaz  
Solomon  
Spence  
Spratt

Staggers  
Stallings  
Stark  
Stearns  
Stenholm  
Stokes  
Studds  
Stump  
Sundquist  
Swett  
Swift  
Synar  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas (CA)  
Thomas (GA)  
Thomas (WY)  
Thornton  
Torres  
Torricelli  
Towns  
Traficant  
Traxler  
Unsoeld  
Valentine  
Vander Jagt  
Vento  
Visclosky  
Volkmere  
Vucanovich  
Walker  
Walsh  
Washington  
Waxman  
Weiss  
Weldon  
Wheat  
Whitten  
Williams  
Wise  
Wolf  
Wolpe  
Wyden  
Wylie  
Yates  
Yatron  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

NAYS—4

Crane  
Dannemeyer  
Hancock  
Upton

## NOT VOTING—37

Ackerman	Edwards (OK)	McCrery
Aspin	Engel	Michel
AuCoin	Fields	Mrazek
Bacchus	Flake	Oberstar
Barnard	Goodling	Owens (UT)
Bilirakis	Hopkins	Riggs
Brooks	Horton	Sanders
Chandler	Houghton	Tallon
Coughlin	James	Waters
Davis	Jefferson	Weber
Dickinson	Kasich	Wilson
Dooley	Levine (CA)	
Dymally	Marlenee	

□ 1034

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, earlier today I was en route to a meeting at the White House, and I missed rollcall No. 120 on the rule for military construction appropriations. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. DAVIS. Mr. Speaker, as many of my colleagues know, the Defense Base Closure and Realignment Commission has been holding regional hearings on the 43 bases the Pentagon has proposed to close. One of these installations, Wurtsmith Air Force Base, is located in my congressional district in Michigan. Unfortunately, I am unable to be present in the House for today's votes because the regional hearing for Wurtsmith is also being held today in Indianapolis. Although I regret not being present for today's votes, it is imperative that I participate in today's hearing.

PERMISSION FOR SUBCOMMITTEE ON CONSUMER AFFAIRS AND COINAGE OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TODAY DURING 5-MINUTE RULE

Mr. TORRES. Mr. Speaker, I ask unanimous consent that the Subcommittee on Consumer Affairs and Coinage of the Committee on Banking, Finance and Urban Affairs be permitted to sit on today, Thursday, May 30, 1991, during the 5-minute rule in the House.

The SPEAKER pro tempore. (Mr. McNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT, FINANCE, TRADE AND MONETARY POLICY OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TODAY DURING 5-MINUTE RULE

Mr. TORRES. Mr. Speaker, I ask unanimous consent that the Sub-

committee on International Development, Finance, Trade and Monetary Policy of the Committee on Banking, Finance and Urban Affairs be permitted to sit on today, Thursday, May 30, 1991, during the 5-minute rule in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1992

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes.

Mr. LOWERY of California reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## GENERAL LEAVE

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 2426.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT 1992

Mr. HEFNER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from California [Mr. LOWERY] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

□ 1039

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2426, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from North Carolina [Mr. HEFNER] will be recognized for 30 minutes and the gentleman from California [Mr. LOWERY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present to you H.R. 2426, the fiscal year 1992 military construction and family housing appropriations bill.

The bill we are recommending amounts to \$8.5 billion in net budget authority, which is under the section 602 allocation for both budget authority and outlays. For 8 years, military construction has been at about the same funding level with no growth. In fact, since fiscal year 1985, the military construction program has experienced 30 percent real negative growth. While this bill does not meet all the needs of the military, it is a fiscally responsible bill.

Regarding base realignments and closures, this is the third year of funding for base closures. This year's amount of \$759 million brings the total funding for base closure to \$2.3 billion. I have been saying all along that it is not going to be cheap to close bases. You need considerable up-front costs to effect realignments and closures.

Members should also be aware that the base closure account in this bill not only funds military construction requirements but over 30 percent of the funds go to finance transfer costs and environmental cleanup costs which otherwise would be funded in the Defense bill.

The committee believes that more emphasis should be placed on environmental cleanup at closed bases in order to facilitate expedited reutilization of land and facilities and, thus, has earmarked at least \$201 million for clean-up work.

For overseas programs, we are recommending a reduction from the President's request of about \$240 million. This includes reductions to the NATO infrastructure account as well as reductions in Germany and Korea.

We are recommending rescinding almost \$200 million in prior year funds for projects that are no longer needed.

The committee has recommended deferring without prejudice approximately \$60 million for projects re-



quested by the Department but impacted by the recent base closure recommendations.

The committee has recommended funding of about \$270 million for hospitals and medical facilities.

For the Guard and Reserve programs, the committee added \$189 million to the President's request. However, the recommendation is \$220 million under last year's level, which represents a 32-percent reduction.

One of the top quality of life programs in the military is family housing. The backlog of adequate housing is significant and is critical in the high cost areas of the country. Therefore, the committee has added \$78 million to the President's request for the combination of new housing units and maintenance of existing units.

Members should also be aware that the family housing operation and maintenance portion of the bill represents one-third of the entire military construction bill. This includes items such as maintenance, leasing, utilities, services and so forth, all of which are mandatory type items required to operate and maintain existing units.

The committee has recommended \$132 million as requested for construction of chemical demilitarization facilities at four different installations in the United States.

Funding of \$22 million is recommended for the strategic homeport site at Everett Naval Station, WA. No further funding for other strategic homeport sites is required as a part of the homeport's initial operating capabilities.

The committee has reduced the President's request for facility construction at Whiteman Air Force Base to support the B-2 beddown. In addition, the committee has recommended \$61 million for relocation of the F-117A Tactical Fighter Wing—Stealth—from Tonopah Test Research Site, NV, to Holloman AFB, NM.

At this point, I would just like to express my appreciation to all the members of the Military Construction Subcommittee. I would like to particularly thank our ranking minority member, BILL LOWERY, for his diligence and cooperation in making this a bipartisan effort.

□ 1040

Mr. Chairman, I reserve the balance of my time.

Mr. LOWERY of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the military construction appropriation bill for fiscal year 1992.

I would like to thank the chairman of the Military Construction Subcommittee, the gentleman from North Carolina, for his kind remarks and commend him for his diligence in bringing this bill to the House floor.

As the gentleman said, our committee functions in a most bipartisan way, and we have a tremendous staff that has been very helpful in getting this work done.

Mr. Chairman, H.R. 2426 provides \$7.9 billion for military construction and family housing, \$658.6 million for base closure I, and \$100 million for base closure II. Also included in the bill is a rescission of \$189.8 million. When combined, the net appropriation provided is \$8.5 billion. This is under the President's request by \$80 million and within the subcommittee's section 602(b) allocation.

We have worked hard to bring this bill to the House floor. After over a year of Defense Department building moratoria and a changing defense posture, this bill represents a good balance between the needs of our service men and women and the constraints confronting us. We can, and have, cut military construction, but it cannot be axed. As we continue to consolidate, close bases, and reduce manpower, the remaining bases and equipment must be maintained in top working order and personnel must be highly trained and properly housed.

The chairman of the subcommittee has outlined the major provisions of this bill. I think it is important to note that this is the third year we are providing funds for the 1988 Base Realignment and Closure Commission's recommendations. The administration requested \$633.6 million for the continued implementation and the committee has increased this amount by \$25 million for a total of \$658.6 million. Including the appropriation in this bill we have provided over \$2.2 billion the past 3 years to implement the Commission's recommendations.

We now have under review by the 1991 Base Realignment and Closure Commission Secretary Cheney's April recommendations. The Department has requested \$100 million to begin implementation of the Commission's proposals. The committee has provided this funding with the proviso that none of the funds may be obligated until a program with adequate justification is provided to the committee. In addition, we have deferred without prejudice funding of projects at proposed closure sites.

Mr. Chairman, the remainder of this bill is for the support of our service men and women. This bill does not have the constituency expensive weapon systems have—it is the soldiers, sailors, airmen, marines and their families. We provide for their working environment, their housing, their hospitals and clinics, and their child care centers.

Mr. Chairman, we have the best volunteer forces in the world. They deserve the highest quality of life we can afford to give them. This bill does not provide all that I would have liked;

however, we have provided the best we can within our means. It deserves the support of our colleagues.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN], chairman of the Committee on Appropriations, who also serves as a member of the Subcommittee on Military Construction.

Mr. WHITTEN. Mr. Chairman, as the chairman of the House Committee on Appropriations, I take pride in pointing out that we have held the total of appropriations \$180.8 billion below the President's recommendations since 1945. This year the committee again has done its usual good job in meeting present demand and yet holding down expenditures.

Mr. Chairman, it is a pleasure to serve on this subcommittee with Chairman BILL HEFNER and my other colleagues. I have been a member of the subcommittee for many years. I was a member when we established the Meridian Naval Air Station, the Air Force base at Columbus, and provided for shipbuilding at Pascagoula, all in my State of Mississippi. These bases along with Keesler Air Force Base at Biloxi are and have been a major part of our regular facilities for defense, in peacetime and in war.

I have supported these facilities and the important function they serve in many different ways over the years. It was my motion which amended the Public Works appropriations bill that President Eisenhower had vetoed years ago in order to provide dredging funds so that two submarines built at Pascagoula could be launched and get out to sea.

I want to call attention to some of the national programs that are of special interest to my district, State, and section.

Included in this bill is funding for expansion of the fire station at the Meridian Naval Air Station and for construction of a fire training facility. At Columbus Air Force Base, funds are provided to alter the specialized undergraduate pilot training squadron operations facility, and at Keesler Air Force Base, to construct a squadron training development facility. For the Air National Guard at Key Field in Meridian funding is provided for a fuel cell and corrosion control dock and for aircraft pavement upgrades.

Mr. Chairman, this is the 13th year that I have been chairman of the Committee on Appropriations. I am a member of this subcommittee as well as that on Defense. We face serious problems in cutting back military spending while making sure we are protecting real defense. Adoption of this bill means we will strengthen our National Guard and Reserves, where its members can contribute to the economy

during the week and train on the weekend.

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I wish to merely state my admiration for the chairman of the subcommittee, the gentleman from North Carolina [Mr. HEFNER], and the committee, especially the ranking member of the committee, the gentleman from California [Mr. LOWERY].

This is a difficult task. As the defense budget declines, as it has, and this work product reflects that, they will find their job all the more difficult in the days ahead, not just for Missouri, where I find that the appropriations in this bill are fair and evenhanded.

I particularly wish to point out the fact that we are doing something for the young soldiers, sailors, and marines, when we take care of the family housing as we have. I compliment them on that, because if we do not continue to take care of the young people and their families, they are not going to stay in the military. And this is a major step forward. I compliment them for it. I compliment them for the difficult job they have done, but they have done well.

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in strong support of H.R. 2426, the military construction appropriations bill for fiscal year 1992. This measure contains many important provisions relating to enhancing the quality of life for our military personnel.

Mr. Chairman, Congress may declare war, wars may be planned by generals, but the Persian Gulf war was won by the American GI, the young men and women who were willing to put their lives on the line for the principles of this country.

If we are going to maintain the strong national defense that is necessary to take us into the 21st century, if we are going to continue to be ready to face the Saddam Husseins of this world, it is absolutely essential that we have the kind of quality young people in our armed services that can defend America's interests.

To do that we must see that they and their families are well-housed. We must see that they have the quality of life that they so richly deserve for putting their lives on the line for each and every one of us.

I want to commend Chairman WHITTEN and Chairman HEFNER for putting together that type of bill. In light of the constraints of our budget, they have crafted a measure that will pro-

vide a strong national defense and strong support for our military families.

Mr. Chairman, I am especially proud of the fact that I have the honor of representing Fort Hood in central Texas. Fort Hood was recently described by Secretary Cheney as the finest fighting Army installation in the United States. I am very proud of that.

I would like to say that in addition to the bravery and the quality of training of those soldiers at Fort Hood, had it not been for the support of leaders such as Chairman HEFNER, that would not have been possible. I am also very appreciative of the fact that in this bill \$46.7 million are earmarked for construction at Fort Hood.

□ 1050

Mr. Chairman, this is not an extravagant budget. In regard to Fort Hood, it is going to allow that facility to facilitate the bringing in of 13,000 new troops from Fort Polk, so the military base closing recommendations go through. It is my hope, with continued support of this fine facility in my district and the kind of quality people I have seen there at Fort Hood, the young men and women of our Army, we can march into the 21st century, ready for any contingency that this country may face.

Mr. Chairman, I want to commend the gentleman from North Carolina [Mr. HEFNER] and the gentleman from Mississippi [Mr. WHITTEN] for their leadership in putting together this bill, and thank them for their support of a quality infrastructure at Fort Hood.

Mr. LOWERY of California. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. LIGHTFOOT], a member of the committee.

Mr. LIGHTFOOT. Mr. Chairman, I rise today in support of H.R. 2426, the military construction appropriations bill for fiscal year 1992.

I would first like to thank the chairman of the subcommittee, Mr. HEFNER, and my ranking member, Mr. LOWERY, for welcoming me to the subcommittee and for their courtesy to me and my staff in getting settled.

Mr. Chairman, H.R. 2426 is a good bill. We are below our 602(b) allocation and \$85 million below the administration request.

As we saw yesterday and will continue to see throughout the consideration of this year's appropriation bills, tough choices have to be made. I believe the bill addresses the most urgent military construction needs, but as our report states, a significant backlog of military construction requirements still exist for a physical plant that averages over 50 years in age.

I know that the administration is concerned that we reduced the NATO infrastructure budget by \$34 million below the fiscal year 1991 level and \$200 million below the Department of Defense budget request. Yet how can we

face our colleagues, who are losing bases at home which have a significant economic impact on their local communities, and ask them to vote for a bill which would use American tax dollars to expand NATO facilities? NATO, I would remind my colleagues, is still searching for a role to play in light of the new strategic situation in Europe.

On Monday, NATO Defense Ministers approved a plan to reduce and restructure NATO forces. This reorganization plan must be ratified by the heads of state this summer. Perhaps in fiscal year 1993, after the NATO reorganization is approved, we can take another look at NATO infrastructure, but not before a rational role for NATO is agreed to.

If our budgetary constraints continue into the next fiscal year, I would urge my colleagues to give serious thought to relaxing Davis-Bacon requirements for military housing. As the gentleman from Texas [Mr. DELAY] has pointed out, our service men and women deserve the best. By relaxing Davis-Bacon we can increase military housing expenditures without raising our overall spending.

Finally, I would like to thank the subcommittee for including report language directing the Army Reserve to render a decision concerning renovation or construction for the Army Reserve facility in Fort Dodge, IA. I am looking forward to the Army Reserve's report at next year's hearings.

Mr. HEFNER and Mr. LOWERY are to be commended for crafting a fine bill under difficult fiscal circumstances. I urge my colleagues to support the bill.

Mr. LOWERY of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would respond to the gentleman from Iowa [Mr. LIGHTFOOT] that the Department of Defense intends to close several facilities in Europe, a number of which are major. As we reduce our commitments, particularly in Europe, we are closing facilities as well, and will continue to do so, at an accelerated pace.

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 2426, military construction appropriations bill for fiscal year 1992. This is the second of the 13 annual appropriations bills.

I vote to commend the Chairman, Mr. HEFNER, and the ranking member, Mr. LOWERY, for their leadership in adhering to the budget agreement and the budget resolution.

The bill provides \$3.483 billion in discretionary budget authority and \$3.458 billion in discretionary outlays. I am pleased to note that the bill is \$81 million below the level of defense discretionary budget authority and \$24 million below the defense discretionary



outlays as set by the 602(b) spending subdivision for this subcommittee.

Earlier this week I sent Members a Dear Colleague which described how the energy and water and the military construction appropriation bills compared to the 602(b) allocations, and I plan to send out similar Dear Colleagues for each appropriation bill considered by the House in the coming weeks.

FACT SHEET ON H.R. 2426, MILITARY CONSTRUCTION APPROPRIATIONS BILL, FISCAL YEAR, 1992 (H. REPT. 102-74)

The House Appropriations Committee reported the Military Construction Appropriations Bill for Fiscal Year 1992 on Wednesday, May 22, 1991. Floor consideration of this bill is scheduled for Friday, May 31, subject to a rule being granted.

COMPARISON TO THE 602(b) SUBDIVISION  
COMPARISON TO DEFENSE DISCRETIONARY  
SPENDING ALLOCATION

The bill, as reported, provides \$3,483 million of discretionary budget authority \$81 million less than the Appropriations budget authority 602(b) subdivision for this subcommittee. The bill is \$24 million under the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivisions follows:

(In millions of dollars)

	Military construction appropriations bill		Appropriations committee 602(b) subdivision		Bill over (+) or under (-) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary .....	8,483	8,458	8,564	8,482	-81	-24
Mandatory .....						
Total .....	8,483	8,458	8,564	8,482	-81	-2

BA = New Budget Authority.  
O = Estimated Outlays.

PROGRAM HIGHLIGHTS

(In millions of dollars)

	Budget authority	New outlays
Military construction:		
Army .....	839	168
Navy .....	792	131
Air Force .....	1,035	135
Defense Agencies .....	746	90
NATO Infrastructure .....	159	40
Family housing:		
Army .....	1,579	1,082
Navy and Marine Corps .....	308	461
Air Force .....	1,086	687
Base closure account .....	759	91

The House Appropriations Committee ordered reported the Committee's subdivision of budget authority and outlays on May 22, 1991. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102-69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise to commend Chairman HEFNER and the members of the Military Construction Appropriations Subcommittee. The bill they have presented is fiscally responsible and falls significantly below current year spending levels. Unauthorized

spending has been held to a minimum, the committee bill is below it's 602(b) allocation, and \$80 million below the President's request.

Clearly, the committee has made some tough choices, including a prohibition on outlays for military installations slated for closing, and a nearly \$190 million rescission for prior-year projects no longer needed. The subcommittee also eliminated about \$240 million in overseas programs requested by the administration.

Again, Mr. HEFNER and the other members of the committee are to be congratulated for their fine effort.

I urge the adoption of H.R. 2426.

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I simply want to extend, as others have, my congratulations to the gentleman from North Carolina [Mr. HEFNER] and the gentleman from California [Mr. LOWERY] and the members of the subcommittee for the bill that has been brought before us today.

Mr. Chairman, as others have said, this legislation is fiscally responsible. This bill is also responsive to the changing military needs of our country and a world that is changing more quickly than we might have ever imagined.

Mr. Chairman, this legislation is further responsible to the changing needs of American families, particularly to the American military families.

During the recent Desert Shield/Desert Storm operations, the Dover Air Force Base personnel, men and women there, flight crews, ground support personnel, and civilians, were tested as they perhaps have never been tested before.

In a matter of weeks, the air cargo level doubled, tripled, quadrupled, and then doubled again. During the course of the conflict, more than 25 percent of the air cargo that moved from the United States to the Persian Gulf, moved through the Dover Air Force Base.

Mr. Chairman, each of us have seen in our own districts how military families have been tested as well. Families of active duty personnel, the families of those who serve in the Reserves, those who served in the Guard, and in some cases families with one parent, in some cases families with two parents, both serving in the military.

Mr. Chairman, it is not just civilian families in our day and age that need child care. Military families, perhaps more than ever, as we have seen in the last several months, need child care as well for their children. In the past year, scores of Delaware families, Dover Air Force Base families, military and civilian, have not been able to get the needs of their children properly

met. Thanks to the legislation that is before us today, those scores of families will find the needs of their children will indeed be met.

□ 1100

Today we have an all volunteer military, all volunteer. We want the best and brightest in our country to remain in the military. We want them to join this military of ours and we want them to remain in this military of ours.

It is not just enough to have the brick and the mortar and the airplanes and the ships and so forth for them to fly and to operate, but we also need to make sure that the needs of the families of our personnel are met. The legislation the committee has brought before us today does just that, and again I commend them and thank them on behalf of all of the families at Dover Air Force Base.

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of H.R. 2426, the 1992 military construction appropriations bill. I want to commend the gentleman from North Carolina as well as the gentleman from California, the subcommittee and the full committee for this bill and for the fairness in the funding for the military construction for National Guard and Reserve forces.

The budget called for \$281 million in funding for military construction for the Reserves, and this subcommittee has raised that to \$470 million, which is an increase of \$189 million. Mr. Chairman, this is needed. There has been a shortfall in military construction for Reserve forces. We know they came through for us in the Persian Gulf war. They do need a proper place to train and to house.

So I certainly commend the committee for raising the military construction for the Reserves and I rise in total support of this legislation.

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the Military Construction Subcommittee has had difficult challenges this year. It has handled them very well. The subcommittee has appropriated sufficient funds for closing military bases, where there are serious disagreement over which bases should be closed. And it has been able to arrange for housing units at least for the B-2 bomber until that issue is settled.

The subcommittee has made certain corrections in the NATO structure which is terribly important for us. At the same time, it has added extra appropriations for the National Guard and Reserve.

At a time when we are having to make a 25-percent reduction in mili-

tary expenditures over the next 5 years, this committee has still made appropriations in the construction field generally that provides excellent facilities for our Guard and Reserve units, which performed so well in the Gulf. As I understand it, there is no amendment pending to this measure, which is a compliment to the committee, to the gentleman from North Carolina [Mr. HEFNER], and certainly to the gentleman from California [Mr. LOWERY].

So I think the committee has handled these decisions evenly and fairly and I think the House is indebted to them for this legislation and I compliment them.

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, I rise in support of H.R. 2426 and want to join my colleagues in extending my appreciation to Chairman HEFNER and the committee from both the majority and minority side for doing an outstanding job with this bill.

For several decades a small military camp, Camp Merrill in my district, has turned out some of the most outstanding leaders in the military. It is commonly known as the ranger camp located in the mountains of north Georgia.

One of the difficulties through the years has been the total absence of family housing for the permanent staff located there. I want to express my appreciation to the committee for providing some funding for housing at Camp Merrill. This will be a great benefit to the military personnel stationed there, and I express my appreciation to the committee for taking this under consideration and acting favorably on it.

Mr. LOWERY of California. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], a member of the committee.

Mr. DELAY. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, I just want to take a minute or two to bring up a problem that we will probably visit next year. First, I want to say that I support this bill. I think that it is a very good bill, and I congratulate our chairman, Mr. HEFNER and our vice chairman, Mr. LOWERY, for putting it together under very difficult circumstances. I rise today because I want to add my complaints to the fact that military construction does not get a big enough piece of the appropriation pie.

Almost 40 percent of this bill is for military housing for families of our dedicated service men and women. The quality of life of our military personnel in relation to military housing and recreational facilities is nowhere near what it ought to be, especially overseas. We are not providing quality housing for our families in the military, and we rob Peter to pay Paul

every day and every time that we try to write this bill. It is really unfortunate.

I hope that as we build down our forces we will be able to free up some military construction money in order to provide better housing for our military families.

But let me just speak to one provision that I am interested in and not to the overall construction issue. Davis-Bacon construction requirements in this country, a labor protective device, that, in my opinion, fattens the pocketbooks of union construction bosses to the detriment of military families. It is outdated requirement for today. The subcommittee has had DOD do conservative estimates of what Davis-Bacon costs us in military housing in this country, and they have found that the Davis-Bacon requirements tack on an additional 5 percent of the total construction costs. Some \$164 million is being spent just because of these requirements and we are getting no more housing. It is being spent because of labor practices in this country under Davis-Bacon.

What do Members think we could be doing for the quality of military families in this country if we could competitively build new construction, repairs, and remodeling that needs to be done in order to increase the quality of life to our military families? What do Members think we could do with \$164 million? It is mindboggling.

It is really unfortunate that we apply military construction, especially family housing military construction under the Davis-Bacon requirements of this country. Again, I am just arguing for family housing military construction. We can argue for all construction later. In this particular case, we ought to have a waiver of Davis-Bacon requirements because it has been demonstrated time and time again that we are feathering the pockets of union bosses to the detriment of military families. We in Congress are making a distinction through the labor laws of Davis-Bacon, and thus we are picking winners and losers.

In my opinion, the military family comes first, and we ought to pick there. Union construction trades ought to compete with the real world so that we can have quality construction at the best price, not protect their pay scale at an artificial rate.

I just warn the House that I am going to aggressively pursue the relaxation of Davis-Bacon next year as it applies to military construction and family housing military construction.

Mr. FAZIO. Mr. Chairman, I rise today in strong support of H.R. 2426, the fiscal year 1992 military construction appropriations bill. First, I would like to express my deep appreciation to the chairman of the Subcommittee on Military Construction, Mr. HEFNER, and the ranking minority member, Mr. LOWERY, for the time and energy they each put into crafting

this bipartisan bill. As a member of the subcommittee, I can attest to the pragmatic and cooperative spirit with which this legislation was prepared. In addition, the subcommittee staff is to be commended highly for the long hours they put into the subcommittee's hearings and for their work in putting this year's bill together.

Mr. Chairman, H.R. 2426 has been drafted to reflect the changes that are taking place in the world around us. The bill recommends a total of nearly \$8.7 billion in fiscal year 1992 for military construction and family housing. This represents a reduction of \$80 million below President Bush's budget request. Aside from making its contributions to our deficit reduction efforts, I am also pleased to report that H.R. 2426 takes an important and needed step toward ensuring that environmental cleanup at military bases is completed.

The bill includes a total of \$300.8 million for environmental restoration activities at bases scheduled for closure or realignment. A fundamental tenet of the Base Closure and Realignment Act was to enable affected communities to convert these installations to civilian use in an expeditious manner. However, the enormity of environmental restoration work needed at these sites is already presenting significant barriers to this process. With this in mind, the committee has stated its strong belief that more emphasis needs to be placed on the environmental cleanup activities in order to facilitate the expedited reutilization of land and facilities impacted by the closure and realignment decisions.

Finally, Mr. Chairman, I would like to point out a number of projects in H.R. 2426 that affect bases in my region of California. Specifically, the bill includes additional funding for several key projects at Travis Air Force Base in Fairfield and Mare Island Naval Shipyard in Vallejo. Each of these projects is critical for the continued successful operation of Travis and Mare Island.

For Travis AFB, the bill includes an additional \$5.5 million to continue the renovation of dormitories, as part of a 7-year program the base has been undertaking to take care of poor lighting, inadequate insulation, obsolete electrical and mechanical systems, and lack of privacy problems.

An additional \$3.35 million is also included in the measure to expand Travis' Child Development Center, which had originally been scheduled for funding in 1993. In a recent visit to the base, I learned that many military and civilian families desperately need child care. More than 200 children are now on a waiting list for the child care services at Travis. For this reason, the committee approved the acceleration of this important project.

The third project at Travis which is included in the bill is the alteration and upgrading of the Consolidated Support Center. After a formal economic analysis in March, it was determined that \$9 million is needed to complete the renovation project. Some of the necessary work includes: seismic upgrades to meet building code requirements; special wiring and cabling for communications and computer systems; new windows for improved energy efficiency; and the addition of parking facilities.

For Mare Island, the bill includes \$9.1 million to construct a computer operations center.



Current computer operations are now packed into a 72-year-old warehouse. The new computer operations center is needed to enable Mare Island to improve efficiency, expand capacity, improve overall working conditions, and prevent the continued degradation of data processing operations. The bill also includes \$3.57 million for a road realignment project at Mare Island.

Mr. Chairman, investing in the infrastructure of U.S. military installations will only translate into improved morale, efficiency, and productivity. H.R. 2426 is a fair and well-balanced bill, and reflects the need to maintain modern military facilities. I am pleased to have had the opportunity to work with Chairman HEFNER, Mr. LOWERY, and the other subcommittee members to craft this legislation, and I strongly urge my colleagues to support the bill.

Mr. McDADE. I rise in support of the bill.

Mr. Chairman, the military construction bill is the second of 13 appropriation bills to be brought before the House this year. The subcommittee has worked in a bipartisan manner to bring this bill to the House floor. The chairman, the Honorable BILL HEFNER, has done an outstanding job. He has worked hard to accommodate the concerns of the Members of this body and the administration. Mr. Chairman, I also commend the ranking Republican member, my friend, the Honorable BILL LOWERY. He has worked diligently to help craft this bill and I thank him for his efforts. Together, they have brought before this house a fair and balanced bill.

This bill is within its 602(b) allocation for both budget authority and outlays. It contains a net appropriation of \$4 billion of military construction and \$3.7 billion for family housing. Also included is a total of \$758.6 million for the implementation of base closure I and base closure II. The total net appropriation of \$8.5 billion represents a reduction from the President's request of \$80 million.

Mr. Chairman, the administration has expressed some concerns about the bill as reported by the committee. I look forward to working with the administration and with Members on both sides of the aisle to address such issues as the \$200 million reduction in NATO infrastructure funding. For this not only would prevent the United States from meeting its commitments to our allies, but also send the wrong signal at the wrong time.

Nevertheless, this is a fair and balanced bill, which more than anything else is about the men and women of our Armed Forces. When visiting military installations around the world you will see tangible results—results that make a difference in morale and in turn, improve the quality of our Armed Forces.

This is a good bill and deserves your support.

Mr. GLICKMAN. Mr. Chairman, I rise in support of the military construction appropriation bill for fiscal year 1992 and want to highlight the inclusion of support for McConnell Air Force Base in Wichita, KS.

The facilities and equipment at McConnell provide an integral component to our strategic defense system. McConnell is base to almost one-fifth of this Nation's fleet of B-1B bombers, an entire wing of KC-135 refueling tankers, as well as a significant number of Kansas National Guard aircraft.

In particular, I want to thank Chairman BILL HEFNER and the ranking member on that subcommittee, Congressman BILL LOWERY, for including \$3.3 million to build a consolidated education center at McConnell. This facility will greatly improve the quality of life on this base for the men, women, and their dependents stationed at McConnell interested in furthering their education.

The Air Force Off-Duty Education Program was established to offer college level courses on base to personnel working toward undergraduate and graduate degrees. McConnell has one of the best programs in the Air Force, drawing professors from several local schools. Currently, courses offered to airmen and other base personnel are conducted in two Korean war vintage semipermanent wooden buildings that were originally dormitories. These buildings are poorly insulated, structurally deteriorating, and increasingly require higher levels of maintenance and repair.

Other education functions, including the library, education programs in race relations, drug and alcohol abuse, literacy, and management, are scattered in available spaces across the base, making it very difficult to coordinate these programs. No other facility exists on the base that could house these education functions, and I appreciate the Military Construction Subcommittee recognizing the importance of this project and providing the funds necessary to construct this education center for the men and women serving our Nation.

In addition, I am grateful for the quick response by this subcommittee to consider reprogramming funds to address the extensive tornado damage incurred at McConnell on April 26, 1991. This deadly twister, which went directly through the heart of the base, destroyed the hospital, gymnasium, noncommissioned officer's club, recreation center, and base credit union while damaging several other buildings, including base housing, the child care center, and the elementary school for dependents of military personnel.

The Air Force's preliminary cost estimate on the damage at McConnell is \$85 million. This Nation is fortunate the tornado did not damage any of the military hardware based at McConnell which could have resulted in, literally, billions of dollars of damage. However, all the facilities it did heavily damage or destroy directly support the quality of life of base personnel. Significant funds will be needed to clean up and eventually rebuild the facilities affected by these killer storms.

Such repair will be necessary to return this important military installation to its highest state of readiness and to provide the military personnel and their families stationed at McConnell the necessary support facilities to assure a high quality standard of living. Again, my thanks to the subcommittee for their assistance.

Mr. ALEXANDER. Mr. Chairman, I rise in support of this military construction appropriations bill. It complies with the budget resolution, and the net new budget authority is \$80 million below the President's request.

The leadership of our subcommittee chairman, Mr. HEFNER, and ranking Republican member, Mr. LOWERY, and the hard work of the subcommittee staff have been major fac-

tors in achieving the bill. I very much appreciate the contributions that they have made.

This is a good bill. It provides a positive response to the most urgent military construction needs. The bill takes into account the budget discipline which last year's budget resolution put into place. And, it supplies a flexible approach with regard to the stressful base closure and realignment exercise now underway by recognizing the potential need for adjustments at the conference stage.

I am pleased that the bill continues our efforts of previous years in the area of defense burden sharing. The recent experience of the United States in connection with the conflict in the Middle East underlines this need.

The nations of Western Europe and Japan and South Korea whose economies have grown strong under the protective shield of American military might must pick up a far greater share of the cost of defending themselves and the common security interests of the free world.

It is important to American national security that the United States participate in a free world alliance to share the cost of collective defense of common interests.

However, the United States cannot afford and should not be expected to continue to pay the lion's share of those costs when the Defense Department is pushing hard for closure of military facilities inside the United States.

American taxpayers won't stand for it. The budget deficit should not be held high to finance it.

The bill the House is considering today acknowledges those facts. It is a sound bill and should receive the full support of this House.

Mr. LOWERY of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HEFNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2426

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for military construction functions administered by the Department of Defense, and for other purposes, namely:*

Mr. HEFNER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 17, line 25, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY  
(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent

public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$877,585,000, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed \$118,915,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 101-148, \$39,000,000 is hereby rescinded.

#### MILITARY CONSTRUCTION, NAVY (INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$848,429,000, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed \$79,700,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Navy" under Public Law 100-447, \$10,972,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Navy" under Public Law 101-519, \$45,420,000 is hereby rescinded.

#### MILITARY CONSTRUCTION, AIR FORCE (INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,129,420,000, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed \$74,300,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 100-447, \$16,900,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-148, \$63,900,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-519, \$13,600,000 is hereby rescinded.

#### MILITARY CONSTRUCTION, DEFENSE AGENCIES (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the

military departments), as currently authorized by law, \$745,990,000, to remain available until September 30, 1996: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$85,489,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

#### NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, \$158,800,000 to remain available until expended.

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$161,281,000, to remain available until September 30, 1996.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$172,690,000, to remain available until September 30, 1996.

#### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$94,860,000, to remain available until September 30, 1996.

#### MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$20,900,000, to remain available until September 30, 1996.

#### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$20,800,000, to remain available until September 30, 1996.

#### FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$167,220,000; for Operation and maintenance, and for debt payment, \$1,412,025,000; in all \$1,579,245,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

#### FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$182,440,000; for Operation and maintenance, and for debt payment, \$725,700,000; in all \$908,140,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

#### FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$161,583,000; for Operation and maintenance, and for debt payment, \$924,400,000; in all \$1,085,983,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

#### FAMILY HOUSING, DEFENSE AGENCIES

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, \$200,000; for Operation and maintenance, \$26,000,000; in all \$26,200,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

#### HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), \$84,000,000, to remain available until expended.

#### BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), \$658,600,000, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100-526 which would cause the Department's \$1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded: *Provided further*, That not less than \$200,800,000 of the funds appropriated herein shall be available solely for environmental restoration.



# BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$100,000,000, to remain available until expended: *Provided*, That of the funds appropriated herein such sums as may be required shall be available for environmental restoration.

## GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than \$25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan or in any NATO mem-

ber country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

## (TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1992, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

## (TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the first session of the One Hundred Second Congress.

SEC. 117. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with a report by February 15, 1992, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1992 to encourage other member nations of the North Atlantic Treaty Organization and Japan to assume a greater share of the common defense burden of such nations and the United States.

SEC. 118. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 119. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appro-

priated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 120. Of the funds appropriated in this Act for Operations and maintenance of Family Housing, no more than \$15,000,000 may be obligated for contract cleaning of family housing units.

SEC. 121. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea in connection with any increase in accompanied tours after June 6, 1988.

## (TRANSFER OF FUNDS)

SEC. 122. During the five year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred: *Provided*, That the next to the last proviso of section 121 of the Military Construction Appropriations Act, 1987, (Public Law 99-500; 100 Stat. 1783-294 and Public Law 99-591; 100 Stat. 3341-294) is hereby repealed.

SEC. 123. None of the funds appropriated in this Act for planning and design activities may be used to initiate design of the Pentagon Annex.

SEC. 124. None of the funds appropriated in this Act, except those necessary to exercise construction management provisions under section 2807 of title 10, United States Code, may be used for study, planning, design, or architect and engineer services related to the relocation of Yongsan Garrison, Korea.

SEC. 125. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 126. Section 402 of Public Law 102-27 (105 Stat. 155) is amended by inserting "(a)" preceding "In", by inserting "effective November 5, 1990" after "repealed", and by adding at the end thereof the following new subsection:

"(b) Effective November 5, 1990, chapter 113A of title 18, United States Code, is amended to read as if section 132 of Public Law 101-519 had not been enacted."

The CHAIRMAN. Are there any points of order on the bill?

If not, are there any amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 1992".

Mr. COLEMAN of Missouri. Mr. Chairman, today the House is considering H.R. 2426, the Military Construction Appropriations bill for fiscal year 1992. I rise in support of this legislation.

Overall, the bill will provide funds to build military facilities and family housing in the coming fiscal year. I am particularly pleased

that the Appropriations Committee has fully funded the President's request for \$1.6 million in military construction funds for the Air National Guard at Rosecrans Memorial Airport in St. Joseph, MO.

The debate and vote on this legislation could not have come at a more appropriate time. Today, after 5 months service in the Persian Gulf in support of Operation Desert Storm, the 139th Tactical Airlift Group is returning home to St. Joseph. The inclusion of this funding in the bill is a recognition of their efforts during the war, and an affirmation of the important, and continuing, role of Rosecrans Field in Air National Guard operations.

Mr. Chairman, I urge my colleagues to join me in welcoming home the men and women of the 139th TAG by voting in support of this bill.

Mr. HEFNER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

□ 1110

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. BENNETT] having assumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, had directed him to report the bill back to the House, with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 392, nays 18, not voting 21, as follows:

[Roll No. 121]

YEAS—392

Abercrombie	Andrews (NJ)	Archer
Alexander	Andrews (TX)	Armey
Allard	Annunzio	Atkins
Anderson	Anthony	Bacchus
Andrews (ME)	Applegate	Baker

Ballenger	Gallo	Martinez
Barrett	Gaydos	Matsui
Barton	Geddeson	Mavroules
Bateman	Gekas	Mazzoli
Bellenson	Gephardt	McCandless
Bennett	Geran	McCloskey
Bentley	Gibbons	McCollum
Bereuter	Gillchrest	McCrery
Berman	Gillmor	McCurdy
Bevill	Gilman	McDade
Bilbray	Gringrich	McDermott
Bilirakis	Glickman	McEwen
Bliley	Gonzalez	McGrath
Boehler	Goodling	McHugh
Boehner	Gordon	McMillan (NC)
Bonior	Gradison	McMillen (MD)
Borski	Grandy	McNulty
Boucher	Gray	Meyers
Boxer	Green	Mfume
Brewster	Guarini	Michel
Brooks	Gunderson	Miller (CA)
Broomfield	Hall (OH)	Miller (OH)
Browder	Hall (TX)	Miller (WA)
Brown	Hamilton	Mineta
Bruce	Hammerschmidt	Mink
Bryant	Hansen	Moakley
Bunning	Harris	Molinar
Burton	Hastert	Mollohan
Byron	Hatcher	Montgomery
Callahan	Hayes (LA)	Moody
Camp	Hefley	Moran
Campbell (CO)	Hefner	Morella
Cardin	Herger	Morrison
Carper	Hertel	Mrazek
Carr	Hoagland	Murphy
Chapman	Hobson	Murtha
Clay	Hochbrueckner	Myers
Clement	Holloway	Nagle
Clinger	Horn	Natcher
Coble	Hoyer	Neal (MA)
Coleman (MO)	Hubbard	Neal (NC)
Coleman (TX)	Huckaby	Nichols
Collins (IL)	Hughes	Nowak
Collins (MI)	Hunter	Oakar
Combest	Hutto	Obey
Condit	Hyde	Olin
Conyers	Inhofe	Ortiz
Cooper	Ireland	Orton
Costello	Jacobs	Owens (NY)
Coughlin	James	Oxley
Cox (CA)	Jenkins	Packard
Cox (IL)	Johnson (CT)	Pallone
Coyne	Johnson (SD)	Panetta
Cramer	Johnson (TX)	Parker
Cunningham	Johnston	Patterson
Dannemeyer	Jones (GA)	Paxon
Darden	Jones (NC)	Payne (NJ)
de la Garza	Jontz	Payne (VA)
DeFazio	Kanjorski	Pease
DeLauro	Kaptur	Pelosi
DeLay	Kasich	Penny
Derrick	Kennedy	Perkins
Dickinson	Kennelly	Peterson (FL)
Dicks	Kildee	Peterson (MN)
Dingell	Kleczka	Pickett
Dixon	Klug	Pickle
Donnelly	Kolbe	Porter
Doolittle	Kolter	Poshard
Dorgan (ND)	Kopetski	Price
Downey	Kostmayer	Pursell
Durbin	Kyl	Quillen
Dwyer	LaFalce	Rahall
Dymally	Lagomarsino	Ramstad
Early	Lancaster	Rangel
Eckart	Lantos	Ravenel
Edwards (CA)	LaRocco	Ray
Edwards (OK)	Laughlin	Reed
Edwards (TX)	Leach	Regula
Emerson	Lehman (CA)	Rhodes
English	Lehman (FL)	Richardson
Erdreich	Lent	Ridge
Espy	Levin (MI)	Riggs
Evans	Lewis (CA)	Rinaldo
Fascell	Lewis (FL)	Ritter
Fazio	Lewis (GA)	Roberts
Feighan	Lightfoot	Roe
Fields	Lipinski	Roemer
Fish	Lloyd	Rogers
Flake	Long	Rohrabacher
Foglietta	Lowery (CA)	Ros-Lehtinen
Ford (MI)	Lowey (NY)	Rose
Ford (TN)	Lukens	Rostenkowski
Frank (MA)	Machtley	Roth
Franks (CT)	Manton	Roukema
Frost	Markay	Rowland
Gallely	Martin	Roybal

Russo	Smith (OR)	Traxler
Sabo	Smith (TX)	Unsoeld
Sanders	Snowe	Upton
Sangmeister	Solarz	Valentine
Santorum	Solomon	Vander Jagt
Sarpalius	Spence	Vento
Sawyer	Spratt	Viscosky
Saxton	Staggers	Volkmer
Schaefer	Stallings	Vucanovich
Scheuer	Stark	Walker
Schiff	Stenholm	Walsh
Schroeder	Stokes	Washington
Schulze	Studds	Waxman
Schumer	Sundquist	Weber
Serrano	Swett	Weldon
Sharp	Swift	Wheat
Shaw	Synar	Whitten
Shays	Tallon	Williams
Shuster	Tanner	Wise
Sikorski	Tauzin	Wolf
Sisisky	Taylor (MS)	Wolpe
Skaggs	Taylor (NC)	Wyden
Skeen	Thomas (CA)	Wyllie
Skelton	Thomas (GA)	Yates
Slattery	Thomas (WY)	Yatron
Slaughter (NY)	Thornton	Young (AK)
Slaughter (VA)	Torres	Young (FL)
Smith (FL)	Torricelli	Zelliff
Smith (IA)	Towns	Zimmer
Smith (NJ)	Trafficant	

NAYS—18

Campbell (CA)	Goss	Petri
Crane	Hancock	Savage
Dornan (CA)	Hayes (IL)	Sensenbrenner
Dreier	Henry	Stearns
Duncan	Moorhead	Stump
Fawell	Nussle	Waters

NOT VOTING—21

Ackerman	Dellums	Levine (CA)
Aspin	Dooley	Livingston
AuCoin	Engel	Marlenee
Barnard	Hopkins	Oberstar
Bustamante	Horton	Owens (UT)
Chandler	Houghton	Weiss
Davis	Jefferson	Wilson

□ 1135

Ms. WATERS and Mr. HAYES of Illinois changed their vote from "yea" to "nay."

Mr. ROGERS changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. LIVINGSTON. Mr. Speaker, during the last vote I was unavoidably detained on the other side of the Capitol on official business and could not be here in time to cast that vote.

Had I been here, I would have voted "aye," and I would like to set the RECORD straight.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 20

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Alabama, Mr. WILLIAM L. DICKINSON, be removed as a cosponsor of the bill, H.R. 20.

The SPEAKER pro tempore (Mr. ANDREWS of Maine). Is there objection to the request of the gentleman from Missouri?

There was no objection.



## PERSONAL EXPLANATION

Mrs. VUCANOVICH. Mr. Speaker, on rollcall 115 I was not recorded as having voted. I was in the Chamber, I inserted my vote card and intended to record my vote. Somehow my vote was not recorded. Had it been recorded, I would have voted "no."

I ask unanimous consent that this explanation appear immediately following that rollcall in the Permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have taken this time for the purpose of inquiring of the distinguished majority leader as to the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentleman for yielding.

Mr. Speaker, the votes today are concluded. There will not be votes tomorrow, as I announced yesterday.

Mr. Speaker, on Monday, June 3, the House will meet at noon, consider nine bills under suspension. Recorded votes on the suspensions will be postponed until after debate on all suspensions. I would suspect that there would not be any votes, if there are any, until 4 o'clock or later.

H.R. 2042, Federal Fire Prevention and Control Act authorization.

S. 483, Taconic Mountains Protection Act of 1991.

H.R. 2312, to amend the Follow Through Act and the Head Start Transition Project Act.

H.R. 2313, School Dropout Demonstration Assistance Act of 1988 authorization.

H.R. 476, Michigan Scenic Rivers Act of 1991.

H.R. 990, Monocacy National Battlefield Land acquisition.

H.R. 1642, Palo Alto Battlefield National Historic Site Act of 1991.

H.R. 1323, to designate certain segments of the Allegheny River in Pennsylvania as a component of the National Wild and Scenic Rivers System.

S. 292, to expand the boundaries of the Saguaro National Monument

On Tuesday, June 4, the House meets at noon on H.R. 1, the Civil Rights Act of 1991, subject to a rule. On Wednesday, June 5, the House meets at 10 a.m. to consider the legislative branch appropriations for fiscal year 1992. On Thursday, the House will meet at 10 to take up VA-HUD appropriations, fiscal year 1992. And on Friday, June 7, the

House will meet at 10 a.m. to take up the Department of Defense appropriations for fiscal year 1992, all subject to a rule.

Conference reports can be brought up at any time. Any further program will be announced later.

Mr. MICHEL. I thank the distinguished majority leader.

Mr. Speaker, should we assume that they are getting together on a rule with respect to civil rights? Is there some progress being made in that area?

□ 1140

Mr. GEPHARDT. Mr. Speaker, that will be worked on today, and the minority leader will obviously be consulted.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from Missouri. [Mr. GEPHARDT].

## ADJOURNMENT TO MONDAY, JUNE 3, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. (Mr. ANDREWS of Maine). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## UNIVERSITY OF TEXAS SWIM TEAMS NCAA CHAMPIONS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, it gives me great pleasure to recognize the University of Texas men's and women's swim teams, which last month won the 1991 NCAA championships. This was the seventh NCAA championship title in 8 years for the women's swim team, and the fourth consecutive title for the men's swim team. Truly, this is an outstanding record—never achieved before by any university swim team in the country, so far as I know.

Under the direction of coach Mark Schubert, who came to the University of Texas 3 years ago, the women's team captured its second consecutive NCAA win this year. Previously, the women held five straight titles. The men's

team, led by coach Eddie Reese, became only the fourth team in NCAA history to win four consecutive championships. Additionally, Mr. Schubert and Mr. Reese were recently selected to coach the U.S. Olympic swim teams when they compete in the 1992 summer Olympic games in Barcelona.

As a former member of the University of Texas swim team—way back there—I'm extremely proud of these exceptional young athletes. I commend the men's and women's swim team members for their hard work and dedication to excellence, and salute them on winning the 1991 NCAA championships.

Mr. Speaker, I submit the names of these University of Texas swim team members who participated in the NCAA meet in March:

Members of the women's swim team include Katy Arris, Beth Barr, Barbara "B.J." Bedford, Kristi Busico, Andrea Ciro, Julie Cooper, Dana Dutcher, Leigh Ann Fetter, Andrea Fisher, Shannon Halverstadt, Erika Hansen, Kelly Jenkins, Lydia Morrow, Terri Seipel, Amy Shaw, Julie Sommer, Kristina Stinson, Dorsey Tierney, and Jodi Wilson.

Members of the men's swim team are Javier Careaga, Josh Davis, Doug Dickinson, Chris Dreyfuss, Jason Fink, Brandon Gardner, Shaun Jordan, Ethan Saulnier, Trent Staats, Matt Stahlman, Brett Stone, Jeff Thibault, Adam Werth, Kevin Williams, and Alex Wittig.

## THE COMPREHENSIVE VIOLENT CRIME CONTROL ACT OF 1991

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, not a day goes by that we are not sickened by reports of violent crime occurring on our streets, in our neighborhoods, and even in our homes. The American people are tired of being inundated by this wave of crime and tragedy.

In his address to the Nation, March 6, President Bush challenged Congress to pass comprehensive crime control legislation within 100 days. The challenge is due to expire on June 14 and there is little evidence to suggest we are seriously working on a comprehensive crime bill.

H.R. 1400, the Comprehensive Violent Crime Control Act of 1991, is a good place to start. Its provisions include death penalty procedures, habeas corpus reform, and a modified exclusionary rule to help protect the innocent and punish the guilty. It also contains an equal justice section codifying current case law to prevent discrimination in individual cases. There are provisions to strengthen Federal firearms laws and crack down on terrorism, sexual violence, and child abuse.

The bill is not a panacea, but it is a start, and it will help focus the debate on increasing individual accountability and strengthening the hands of our law enforcement community. If the primary purpose of government is to protect citizens and their property, we've failed to do our best thus far. We have work to do. Let us get on with it.

#### WAITING FOR NRA'S ANSWER

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the majority leader of the Senate has stated his support for the Brady bill with several additions, and those additions strengthen the bill even further. Beefing up records, requiring police to check on data which is available, is an improvement I and other supporters of rational gun policy in this country welcome, and there is no question that the majority leader's focus on the bill and his improvements will help the chances for the bill in the Senate. Senator MITCHELL is stepping out front in a practical and yet courageous way, and he deserves to be praised by all of us.

But now I today challenge the NRA to support the Mitchell proposal. All along the NRA, and the Staggers amendment, and others said an automatic check should be mandated. The Mitchell proposal, while retaining the 7-day waiting period, does indeed mandate a background check, and, in addition, it gives money, badly needed money, to the States to update criminal records.

So, Mr. Speaker, the NRA should finally put its money where its mouth is. There is now a bill that not only deals with the needs that the Brady bill addressed, but deals with the needs that the Staggers bill addressed as well.

Will the NRA do what it had said it will do all along and support this proposal? I say to the ladies and gentlemen of the NRA, "The ball is in your court. We're awaiting your answer."

#### PEACE COMES TO ANGOLA

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, tomorrow is a great day for the nation of Angola. After enduring 16 years of bloody civil war, the road to peace is finally being taken in this war torn nation. Tomorrow, representatives of the Government of the People's Republic of Angola and the National Union for the Total Independence of Angola, known as UNITA, will sign a cease-fire agreement ending a state of war.

A transition period will begin forming one national army and yes, there will be free and fair multiparty elections in the fall of 1992. Democracy will

be brought to another nation. Mr. Speaker, during the past several years, we have watched in amazement as one Communist nation after another crumbled and turned to freedom and democracy.

Less than a year ago in this very Chamber, the liberals tried to kill all aid to the UNITA rebels which we have supported for so long. There was quite a battle, but fortunately a majority of the Members supported the UNITA struggle for freedom. We knew that peace was possible if we continued our support. Just a few months later, that dream of peace has come true.

The war may have come to an end, but the struggle for freedom will continue. The United States must ensure, along with the United Nations and the Soviet Union, that the transition goes smoothly and that the elections are held and are indeed fair. Freedom will not be a reality until the people have voted.

Mr. Speaker, the coming months will be critical during this time of change. We must continue to support the people of Angola and help guide them on the road to true freedom.

#### MULTIETHNIC HAWAII'S PERSPECTIVE ON H.R. 1

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute.)

Mr. ABERCROMBIE. Mr. Speaker, representing Hawaii, with its unique multiethnic island heritage, where no group constitutes a majority of the population, I hold a special appreciation for the sentiments and philosophy embodied in H.R. 1, the civil rights and women's equity bill. The people of Hawaii were held for decades in oligarchical thrall by a colonial elite. Only by transcending stereotype attitudes were our people able to unite and forge what is perhaps this Nation's most racially integrated society.

It is from this perspective, Mr. Speaker, the perspective of my home State, Hawaii, that I can see the cardinal virtues of the civil rights bill. Quotas, which are specifically eschewed in this bill, are not the issue, nor is any specific provision of this bill the issue. The issue, Mr. Speaker, is one of perspective, one of attitude, one of approach. With the passage of this civil rights bill, we in this House can help set the tone for the Nation. We seek to set a tone which affirms racial and ethnic equality.

Mr. Speaker, if we falter in that task, we will send an entirely different message. So, one way or another, Mr. Speaker, we will be sending a message to the country and to the world, and so I urge my colleagues, I urge every Member of this House, to let that message be the right one: Pass the civil rights and women's equity bill of 1991.

#### MODIFICATIONS ON QUOTA BILL DO NOT SOLVE PROBLEMS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, there has been substantial discussion on so-called modifications made by the leadership of this House to obtain enough votes to pass the quota bill, H.R. 1, and to override a promised Presidential veto.

The modifications are, frankly, best described as transparent and empty. They don't resolve the quota issue and still promise that exorbitant damages will be leveled at main street businesses who are sued under this legislation.

Mr. Speaker, let me be clear for my colleagues. The quota bill remains a quota bill. A so-called cap on punitive damages will not reduce litigation costs and will result in the creation of a lawyer's bonanza. The cap is really a floor. Members will now be asked to vote for punitive damages on their small-business constituents to the tune of at least \$150,000.

I hope this House will oppose the quota bill. It is contrary to the spirit of this Nation.

□ 1150

#### NO MFN FOR CHINA WITHOUT CONDITIONS

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, the credibility of this Nation in the world community rests on our moral leadership. We have fought wars against tyrannies. We have opposed the policies of apartheid and discrimination. We have provided food aid to the persecuted refugees of other nations. We have served as a beacon of freedom and democracy to the world—a beacon that signals the strength of commitment to democratic ideals.

These ideals are not for sale to any nation—regardless of the price. To grant most-favored-nation trading status to the People's Republic of China without important human rights conditions would be to place our moral leadership in the world on the trading block. The President has announced his intention to authorize a 1-year extension of MFN status for China without restrictions. He does not dispute the fact that China's rulers have not learned to respect the human rights of their people.

These are the facts: Nearly 300 prodemocracy protesters remain in detention without trial. Reliable sources report that prisoners of conscience are forced to produce goods for export to the United States, and China has clear-



ly violated its pledge not to aid the development of nuclear weapons and ballistic missiles by other nations. In the 2 years since the Tiananmen Square massacre, China's MFN status clearly has not brought about any improvement in its human rights situation.

The United States of America must not write yet another blank check to subsidize a ruthless leadership that refuses to implement human rights reforms. While the President understandably believes that a trade relationship can help influence the direction of policy in China, that influence will not happen without conditions. We the Congress have successfully attached conditions on aid to a number of nations. Our sanctions against South Africa are beginning to bear fruit; the lure of MFN status has brought forth a reform of the Soviet Union's emigration law; and an aid package tied directly to progress in National settlement negotiations has contributed to the hoped-for resolution of a decade-long civil war in El Salvador. For these reasons, I am firmly convinced that the addition of restrictions on MFN status for China would provide a constructive and positive formula for our future relationship with China.

More importantly, the United States would be adhering to the standard of moral leadership that is our bond to a New World. We have a responsibility to press China to improve its human rights policies even as we improve our trade relationship. Our first loyalty must be not to the leaders of China but to the people of China—and to the principles that are the basis of a strong relationship with all nations.

#### THE 1991 CIVIL RIGHTS ACT PRODUCES QUOTAS

(Mr. FAWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, the most recent version of the 1991 Civil Rights Act is as arcane as ever and will produce as many quotas as ever. There are many reasons for this, but I will mention two.

First, in disparate impact; that is, where employment practices unintentionally produce statistical disproportions on the basis of race, religion, sex, or national origin. The new business necessity defenses employers have to meet are so difficult that in effect employers cannot even presume that academic achievements are valid hiring criteria. Nor can employers even use subjective evidence in court to prove subjective hiring criteria, such as rating employees on interviews or on the basis of such commonsense criteria as an applicant's leadership potential, trustworthiness, ambition, and a host of other subjective but commonsense hiring criteria which Members of Con-

gress use in hiring applicants in their office.

Mr. Speaker, if an employer should jump through all the hoops so as to prove that his or her employment practices, which may unintentionally have contributed to a disparate impact, meet the business necessity test and are lawful employment practices still, such lawful employment practices become automatically unlawful employment practices, if only the complaining party shows that there are other employment practices he could have used that produce less disparate impact.

Combine all of this with the fact that the same statistical imbalances in the work force will form the basis of a count two allegation of intentional discrimination with unlimited compensatory damages, plus punitive damages, one can hardly blame an employer from overtly opting for employment quotas, all of this in a place of employment labor statute. Are we now to insert these types of damages and all these clauses in the National Labor Relations Act, the Fair Labor Standards Act, and a host of other labor statutes? This is not a good piece of legislation. It has not been reasoned. It is the greatest oversell that I have seen in my 7 years here in Congress.

#### PELL GRANTS AND THE MIDDLE CLASS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this week the administration will submit to Congress a plan to eliminate Pell grants for about 400,000 students from middle income families.

This is just one more slap in the face to millions of hard-working Americans. For many of these families, the grant program is the only way they can afford to give their kids a decent education without going broke.

Now is the time, while American families are struggling with a deep recession, to cut aid to families that are forced to forgo essentials like health care in order to pay for college. Something is very wrong when Americans must choose between paying the doctors' bills or sending their children to college.

Over the last 10 years, the cost of a college education has skyrocketed 135 percent. While income has stagnated for middle income families. This is not the time to eliminate another opportunity for the middle class. We should be strengthening their ability to make ends meet by providing tax relief and affordable health care and education.

Time and time again middle-class Americans hear that they are not eligible. Well, 1 year into this recession, the struggling middle class cannot afford to hear one more time and with in-

creasing volume that they are not eligible.

Mr. Speaker, I come from a hard-working middle-class family, and without this kind of assistance, I would never have been able to get a college education.

Mr. Speaker, this is just one more example of an administration totally unsympathetic to the plight of America's middle class. It is sending a message that says, in effect, middle-class Americans are not a priority. Well, that is the wrong message. It is time to tell these hard-working Americans, "We hear you."

#### H.R. 1 TAKES A STRONG-ARM APPROACH

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, the proponents of H.R. 1 would have us believe that the only way to stand up for civil rights is to vote for the Democrat package when it comes to the floor of this House. They are asking us to abandon the very real concerns of small business men and women across this country, concerns that are being raised not about the concept of civil rights but about the strong-arm approach that H.R. 1 takes to assuring those rights and assuring that those rights are protected.

Mr. Speaker, there is a better way. We can vote to protect the workers and would-be workers in our districts from being judged by the color of their skin, from being judged by the country of their birth, or whether they are male or female, instead of how well they can perform a job. At the same time we are doing that, we can vote to protect the small employers in our district, employers who would be trapped by the Democrat proposal, trapped between illegal quotas and costly damage awards that could force them to close their doors.

How can we do this? The answer, my colleagues, is simple. We can vote for the Michel substitute, which will not be vetoed by the President.

My colleagues, saying that one is for small business is an easy thing to do. It is how one votes that really counts.

#### DECISION IN RUST VERSUS SULLIVAN GAGS AMERICA

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, if somebody told us that America, the land of the brave and the home of the free, gagged its people from telling the truth, we simply would not believe it. But our Supreme Court, in the Rust versus Sullivan case, has done just

that. The Court upheld the right of this administration to stop health professionals from telling a woman her legal choices when she seeks health care.

They are gagging health professionals from mentioning the word abortion, even if the patient's life might be in danger.

This is a fight for freedom, freedom to make a private, personal decision and freedom of speech.

I hope my colleagues will join me, as a cosponsor of the Wyden-Porter bill to overturn the Rust case and the Federal Government Freedom of Speech Restoration Act, so that we can end the gagging of our people. This is America.

#### HEROES COME IN ALL SIZES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I rise today to salute a brave little girl and the heroic act she performed last Saturday night. Today's Baltimore Sun relates the story of 5-year-old Nicole Ferandes, a resident of Forest Hill in my district who was brought face to face with a situation that many of us envision in our worst nightmares. Her father, a diabetic, had gone into insulin shock and was unconscious. There was precious little time to waste. Every second meant the difference between life and death.

In a moment when many of us might have panicked, little Nicole, following on the instruction she had received from her parents for just such a crisis, picked up the phone and dialed 911. Thanks to the 5-year-old child's action and prompt emergency services as the other end of 911, Mr. Ferandes, who otherwise surely, might have died, can hold his little daughter in his arms.

Everyone can learn lessons from experiences like this one. One of the most important is the need for parents to communicate to their children the importance of understanding how to contact the emergency services in their communities. When the unthinkable becomes reality the value of this family responsibility becomes immeasurable.

□ 1200

#### A RESPONSIBLE CHINA POLICY

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, it has been almost 2 years since the world witnessed the terrible massacre at Tiananmen Square. We all watched in horror as TV cameras showed hundreds of Chinese students gunned down in cold blood as they demonstrated for democracy. More than 1,000 students were

murdered in all; thousands of others were brutally beaten by government troops.

Since then, the Chinese Government has arrested almost 10,000 students and workers in Beijing alone. Twice as many have been detained elsewhere. At least 300 have been executed, including the student who made the evening news as he stood alone in the path of government tanks. Human rights groups say many more have been secretly detained and executed.

What's the response of our administration? Our President granted China unconditional preferential trading status last year and promises to do so again this year. Our President, who was so quick to document and condemn the human rights abuses of the Iraqi invaders of Kuwait—and rightly so—seems to regard the outcry about such abuses in China as an unwelcome distraction from his preferred China policy.

This is an outrage. We cannot right all the world's wrongs, but this is an instance where we have the means and must muster the will to do so. I urge my colleagues to join me in cosponsoring Representative NANCY PELOSI's bill to set strict conditions on the renewal of most-favored-nation status for China. Her bill blocks MFN status unless China accounts for each and every citizen jailed in connection with Tiananmen Square, unless it allows human rights monitoring groups access to prisoners, trials and places of detention, and unless it makes progress in ending religious persecution in Tibet and China.

A vote against unconditional MFN trading status is a clear message from Congress. It's a message to Beijing's leaders that they cannot massacre their students or round up thousands more for secret detentions and executions and still conduct business as usual with the free community of nations. We refuse to perpetuate the illusion that by appeasing this government we can somehow bring them around to less repressive forms of behavior.

We recognize the importance of improved relations with China and strengthened economic ties. But these cannot be purchased at the price of continuing repression and violence in that country while we look the other way. China needs these benefits as much or more than we do, so we have leverage to influence Chinese behavior and power to shape the terms on which China enters the civilized community of nations.

We should never suppose, Mr. Speaker, that we are all-powerful, but it is equally irresponsible not to use the power we have to advance the cause of democracy and human rights in our international dealings. The Pelosi bill strikes the right balance, setting out tough, but achievable, conditions for extending this coveted trade status to

China. If our country cannot do this much for freedom and democracy, what do we stand for? To paraphrase the Rabbi Hillel: "If not our country, who? And if not now, when?"

#### THE STEALTH QUOTA BILL

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, did you hear it? Did you see it? No, it is the stealth quota bill, designed to evade detection by the American public. Now the son of H.R. 1 outlaws quotas.

The same bill which now outlaws quotas still provides this hiring practice. Mr. Speaker, you may not be able to see the stealth quota bill, or hear it coming, but you will sure know it when it hits you.

You see, once an employer is dragged into court, he or she will still be put into a position to defend a statistical imbalance in the company. As a business owner, you can risk court, you can risk being labeled discriminatory, or, you can just avoid the whole problem by hiring according to a quota. What would you do?

Mr. Speaker, I am sure that my Democratic colleagues are very well intended, but they are still headed, I believe, in a very wrong direction with regard to achieving civil and human rights for all. Apparently I am not alone in this thought either. That is why it has taken Congress so long to decide on this bill, and why there are so many versions of the Democrats' civil rights bill right now.

But, Mr. Speaker, the American public's radar detection is up this year, and they are not going to let this stealth fly.

I urge Members to vote the President's civil rights bill, a bill that is good for all Americans.

#### END GAG RULE ON FAMILY PLANNING CLINICS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, one of the great symbols of this country that everyone wants is the symbol of justice, the beautiful woman holding the scales, with a flowing gown and blindfold. Well, last week the Supreme Court let the blindfold slip right to the end of the mouth. Therefore, we have now gagged anyone who works in a family planning clinic, and they are not longer allowed to tell people about their health options if they are pregnant.

Mr. Speaker, that to me is positively amazing. I do not know how any clinic can possibly stay open and remain safe from malpractice suits if they cannot



tell women about the full range of options.

Mr. Speaker, this is an incredible number of women. One out of four women in America use publicly funded health care clinics, which now are gagged. I hope all Members work very hard to turn this gag rule around and get the blindfold back up where it belongs, where we treat everybody equally, and do not look out to see who they are.

Mr. Speaker, we must get the blindfold out of the mouth, stop the gag rule, and support the Wyden bill, which will be coming, I hope, to the floor very quickly.

#### PUERTO RICO ACCEPTS AMERICAN DOLLARS BUT REJECTS ENGLISH LANGUAGE

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, Puerto Rico recently passed a law eliminating English as one of its two official languages.

This law not only rejects the English language, but is also a direct affront to American ways and American taxpayers.

Ironically, American taxpayers are subsidizing numerous welfare programs for Puerto Ricans. In fact, even though Puerto Ricans do not pay Federal income taxes, they are still entitled to receive an incredible assortment of Federal handouts—food assistance, jobs programs, unemployment compensation, welfare, and Medicaid.

These subsidies, combined with section 936 tax breaks, cost American taxpayers billions and billions of dollars each year.

To show their gratitude, Governor Hernandez-Colon and his government passed a law to tell America that Puerto Rico is sick and tired of American influences. If the Governor truly wants no part of the United States, then he should reject the billions of dollars Americans give him as well.

#### DON'T CAP MONETARY AWARD IN CIVIL RIGHTS CASES

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I understand that in about an hour the Committee on Rules will be meeting to determine the nature and format of the debate that is to occur next week on the civil rights bill, H.R. 1. There has been extensive negotiations outside of the Congress, starting from last fall with the business community and the civil rights leadership, on the problems that have been propagandized as the quota bill, quota provisions in the bill.

Mr. Speaker, I happen to serve on the Committee on Education and Labor, and we distinctly wrote into the bill that there was no part of it that had anything to do with quotas. A substitute now has been written, not only to make that perfectly clear, but, in a sense, to prohibit quotas. I believe in many ways, the language goes too far.

Mr. Speaker, what I am standing here in the well to protest is the fact that the compromise bill retains a language which puts a cap on damages that people can obtain from a court of law in front of a judge and jury, coming in and alleging discrimination on the job, winning a verdict that says it is intentional discrimination, and, today, without this bill, being able to get very modest kinds of damages, such as reinstatement or back wages.

Mr. Speaker, H.R. 1, as reported by my committee, would have allowed women in particular the first opportunity to have unlimited damages, whatever the court determined was fair and just. This bill that is coming up for consideration as a substitute on both sides of the aisle contains a cap of \$150,000.

Mr. Speaker, how can that be fair and equitable? The bill is called the Women's Equity in America Employment Act, and yet it says women are not to be treated the same, that there are to be two levels, a dual justice system in America. Can we not trust our courts and juries to be fair if there is a women plaintiff coming in and having been found to have been intentionally discriminated against?

Mr. Speaker, I hope that the Committee on Rules that will be meeting shortly will allow this question to be debated by itself on the floor by the Congress, and have a fair vote.

#### TRIBUTE TO BOB HOPE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I rise today to pay tribute to a great American. He was born in England, Mr. Leslie Towns. We all know him by a different name. This body and the other Chamber have already awarded him the Congressional Medal of Freedom. I do not know what else we can say about him, except to reflect on how he has extended all of our lives.

Mr. Speaker, we have laying in tribute in the rotunda one of only two Congressmen to ever be afforded that honor, a great Congressman here, died with his legislative boots on in his 88th year, the beloved Claude Pepper.

Ronald Reagan celebrated his 80th birthday on February 6. He became our Adenauer, our Churchill, showing us all how many productive years were ahead of us.

Mr. Speaker, I missed getting up yesterday, but today is the second day of the 89th year of Leslie Towns, known to all of us as Bob Hope.

Bob Hope, over in the gulf entertaining our fighting men and women. What an incredible American. To think he is going to hit 90 soon. This is his 89th year, and he is still doing benefits, raising charity money, and even doing commercials, showing us that life truly does not begin at 40, it begins somewhere around 70 or 75.

Bob, you truly are an inspiration to all of us. God bless you. We will strike a new medal for you on your 100th birthday.

#### CIVIL RIGHTS

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, I rise today in strong support of H.R. 1375, the President's civil rights bill. As the only honest, balanced, and equitable proposal on the floor, this bill is clearly committed to the ultimate goal of civil rights legislation—equality of opportunity.

The differences between the President's bill and H.R. 1 are so fundamental that the proposal which is ultimately adopted will define the direction of civil rights for at least the next decade. The key issue and turning point of this debate concerns the extent to which this body believes in the ability and drive of the American people—especially members of minority groups. If we have faith in the American individual, then we will work to provide a more equitable distribution of opportunity; if, on the other hand, we choose to treat the individual as incapable and disinterested in standing on his or her own merits, then we will vote to implement divisive restrictions that mandate an unfair system of quotas.

The President's proposal confirms our faith in the individual; it envisions a system of competition, one in which hard work, creativity, and imagination rather than skin color, ethnic origin, or gender define the standards by which we succeed. The President's civil rights package provides individuals who are victims of institutional discrimination the tools to remedy such abuse, without attaching the insulting stigma associated with quotas. H.R. 1, however, would clearly result in quota hiring to avoid the expense and public scrutiny of unreasonable litigation.

Mr. Speaker, I urge my colleagues to look carefully at both bills and decide for themselves. I firmly believe that, for those who are motivated by a sincere commitment toward equality of opportunity, the choice will be clear.

## RETROACTIVITY IS NOT FAIR

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, is it fair to pass a law in 1991 creating new employment standards and then say that employers who had never heard of those standards until 1991 are guilty of employment discrimination because their employment practices of 10, 15, or 20 years ago did not comport with these newly created standards. It may not be fair, and it may not be constitutional, but that's what H.R. 1 does. Employers today must look ahead 20 years, to the year 2011, guess what Congress might do, and govern themselves accordingly.

And the so-called compromise does not fix the problem. The so-called compromise even says that final judgments may be vacated and the case reopened if justice requires. You may be certain that every plaintiffs lawyer is salivating at the prospect of arguing that justice, in the form of H.R. 1, requires that closed cases be reopened and relitigated.

## CALL FOR AN OPEN RULE ON CIVIL RIGHTS LEGISLATION

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, as one Republican who leans toward supporting a compromise civil rights bill, I have a message to the Rules Committee which convenes to continue its deliberations on the rule governing the upcoming debate on that legislation here very shortly, upstairs. That is, give us an open rule which permits or makes in order all amendments offered by either the Republican or Democratic side.

It simply is inconceivable to me, given the importance and historic significance of this legislation, that we might be considering restrictive rules. Since 1957, the House has passed 15 major civil rights bills and 9 of these bills were considered under open rules. That includes the three most important ones, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Let me tell the proponents of this legislation that it is pure sophistry on their part to suggest that those of us who are not members of the committees which did the markup on this bill, and who were not party to the behind-the-scenes negotiations for a compromise are unable to comprehend the complex legal issues swirling around this legislation. As we consider this legislation which deals with due process, equality, and openness for all Americans, particularly those underrepresented in our work force, let us have the same openness, the same due process here on the floor of the House as we take up this debate.

## REQUEST FOR PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL MIDNIGHT FRIDAY, MAY 31, 1991, TO FILE SUNDRY REPORTS

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs have until midnight Friday, June 1, 1991, to file its reports on H.R. 1792, to authorize appropriations for international cooperation programs for fiscal years 1992 and 1993 and for other purposes; and on H.R. 2474, the Arms Control and Disarmament Amendments Act of 1991.

The SPEAKER pro tempore (Mr. CHAPMAN). Is there objection to the request of the gentleman from Indiana?

Mr. RIGGS. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Indiana would withdraw his request.

## DESERT STORM HOMECOMING

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, As you know, President Bush has designated June 8 as National Desert Storm Homecoming Day. For those troops who served so bravely in the Middle East during the Persian Gulf crisis, the administration has created the Desert Storm Homecoming Foundation and organized a \$3 million parade down Constitution Avenue.

This parade will consist of over 10,000 servicemen representing each of the branches of the armed service and over 100 fly-overs by the Air Force, Navy and Army planes and helicopters. On the Smithsonian mall, there will be an exposition of the material used in the Persian Gulf war, and on the ellipse, there will be an all-American picnic for the troops. Throughout the day, there will be an entertainment gala hosted by the USO, and finally, at sundown, the day of celebration will be capped with a fireworks display at the Washington Monument.

Mr. Speaker, this celebration will be the grandest and most spectacular homecoming we have seen since the ticker-tape parades following World War II. But for all of this abundance and extravagance, this homecoming is incomplete because it does not include veterans of the Vietnam war.

Mr. Speaker, the veterans of the Persian Gulf war served proudly and should be received with open arms, but their service was no more honorable and their actions no more courageous than those who served a generation earlier in the Vietnam war.

Mr. Speaker, the Persian Gulf war lasted 100 days. The Vietnam war lasted 9 years. In the Persian Gulf war we lost 234 of our Nation's finest sons and daughters. In the Vietnam conflict, we lost 45,619 and suffered 302,393

wounded; 45,619 of our Nation's finest men and women who never returned to their families and their loved ones. Most importantly, there are more than 8,744,000 veterans who served in the Vietnam conflict and were never welcomed home to receive the gratitude of a thankful Nation.

In Iraq, we fought a well-equipped, yet poorly trained army of conscripts taken from their homes and families for a cause in which they did not believe. In Vietnam we fought for 9 years against a foe which we could not see for a cause in which we could not believe. We had no patriot missiles and no smart bombs. And our soldiers in Vietnam did not have the support of the home front and never experienced even 1 day of parades or celebration.

Mr. Speaker, we turned our backs on the Vietnam veterans in 1973. I urge my colleagues to join me to correct this injustice and request the Desert Storm Homecoming Foundation to prominently honor Vietnam veterans in the celebrations on June 8.

□ 1220

## THANK YOU FOR A JOB WELL DONE

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, this past weekend I was participating in a parliamentary conference in Jerusalem, Israel, when, in an incredible stroke of luck, I was privileged to witness the State of Israel fulfilling once again its historic function of welcoming strangers, welcoming Jews from around the world. In this case, it was the airlifting of 14,500 Jews from Ethiopia. Mr. Speaker, people who were fleeing drought, famine, persecution, anti-Semitism, and desperately hoping and striving to reach the State of Israel, which they did as I was there.

In the course of a very exciting experience, a heart-warming experience, of talking to these refugees, talking to the beautiful kids, we had the opportunity to meet with the President of Israel, Chaim Herzog, with the Prime Minister of Israel, Mr. Shamir, numerous cabinet officers, the Minister of Defense, Foreign Affairs Minister.

Mr. Speaker, the one thing about which they were unanimous was the wonderful, thoughtful, professional, unstinting help that was given in planning this enterprise and in prying loose a consent from the chiefs of state, first the Mengistu regime, and then the rebel regime, that was the result of American efforts, American initiative, the initiative of the President picking up the phone, I am told, and in calling Mr. Mengistu and asking him personally to "let my people go."



I cannot give enough praise to President Bush and Secretary Baker and the many professionals in the State Department who helped make this massive magic-carpet ride to freedom a reality. I think that without their intervention, it probably never would have happened. I am tipping my hat to President Bush, Secretary Baker, the large group of State Department professionals who were involved in this operation and saying, "Thank you. Job well done."

#### THE CIVIL RIGHTS ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 60 minutes.

Mr. GUNDERSON. Mr. Speaker, it is no surprise to most people who watch the special order process that I am not one who usually takes the time to participate in special orders, but I think today is a unique experience that demands some clarification, some attention.

It is now 12:20 in the afternoon. Congress has completed its work not only for the day but for the week, and you all might be a bit surprised at why that is the case. That is a legitimate question.

We ought to be in session this afternoon, we ought to be in session tomorrow, and we ought to be in session doing what was originally on the calendar for this week, which was the Civil Rights Act of 1991.

I deeply regret that partisan politics has prevailed over a bipartisan commitment to passing and having signed into law civil rights legislation. So the real question that this Congress is going to have to decide if not this week, next week, if not next week, in the weeks and months to come, is whether we are committed to civil rights or are we committed to lawyers' rights.

Because that, for all practical purposes, is the major hangup between the President's position on civil rights and that which is being advocated by the leadership here in the House of Representatives.

I had a unique experience a few weeks back of speaking to the Madison, WI, NAACP, and since then have spoken to a number of other groups, minority groups, who have invited me to come to speak to them on behalf of the President's position on civil rights. It is an invitation that, if I can work it into the schedule, I try to accept, because I think probably the best kept secret in this town and the best kept secret in this country is the President's commitment to civil rights and the merits of the legislation which he has advocated.

I come to this table personally as one who apologizes to no one for my position on civil rights. I have voted to

override President Reagan's veto on the Grove City case, voted to override President Reagan's veto on South African sanctions, was very active in the writing of the bipartisan compromise in the last session on the Americans With Disabilities Act, have advocated for the fair housing amendments, have voted for the Voting Rights Act, a number of those different civil rights pieces of legislation which have passed this Congress on a bipartisan basis.

Yet, that is not the issue here today and for the rest of this session. It is the civil rights bill of 1991, and let me tell the Members why this bill is here.

The bill is here because the Supreme Court on a number of cases over recent years has overturned a number of Federal statutes and, interestingly enough, both the President and the Democrats in the Congress of the United States support overturning many of those cases.

There are probably four to five areas where these bills are very similar, and I think everyone ought to understand what the President wants to do in terms of civil rights.

When you talk about the major case, the Wards Cove case, which deals with disparate impact, and disparate impact, ladies and gentlemen, is if your work force is not representative of the numerical breakdown by race, color, et cetera, of your community, there is the potential for filing a discrimination case against you.

Let me give you an example. I come from western Wisconsin. The biggest, or one of the biggest, cities in my district, La Crosse, WI, happens to have, I believe, a 5-percent Hmong population. What that would mean is that every employer in La Crosse, WI, must have a 5-percent Hmong population not only in the work force but at every level of their work force. Otherwise, they run the risk of being subject to what is known as a disparate impact case.

The President supports using disparate impact as a basis for judging whether or not discrimination occurs. Where the difference occurs, however, is that the President defines business necessity the way it was defined before the Supreme Court overturned Federal statutes known as the Griggs case. The President simply restores the Griggs language.

The debate here in the House of Representatives is whether you are going to restore the Griggs language or you are going to try to redefine the Griggs language as the Democrats do in their particular bill.

In terms of defining business necessity, the President overturns the present Supreme Court rulings. In terms of shifting the burden of proof from the employee to the employer, the President overturns the Supreme Court. In terms of grouping of practices, the President overturns the Supreme Court and requires that you

must indicate the practices within that business which are the basis for their discrimination.

□ 1230

Is it the interview process? Is it the notice of potential employment? Is it the testing process? What is it in that regard?

Frankly, both bills also defined the per se violation of title VII by indicating, if indeed an alternative measure is offered and the business refuses to implement that alternative employment practices as a means of eliminating discrimination, then that is, in essence, a per se violation of title VII, and that business can be held accountable.

Second, both the President's bill and the Democratic bill overturn the Supreme Court ruling on Lorraine which deals with seniority systems. Third, the President and the Democratic bill, H.R. 1, both overturn the Supreme Court regarding Patterson. That is discrimination in all aspects. Both the President's bill and the Democratic bill allow the recovery of expert witness fees.

So there are five different areas, Wards Cove, Lorraine, Patterson, damages for sexual harassment, and expert witness fees where the President's bill takes big, big steps in the areas of civil rights and overturning present Supreme Court cases.

Now, if there is that much similarity, we have to ask the question then, why the fight? Why the dispute that is existing today? We need to get on with that because we need to make sure that all persons in America understand the issue at hand. That issue at hand is, do we want civil rights or do we want attorney's rights, because the difference that the President's bill maintains the basis for resolving civil rights disputes that have been in effect since title VII was enacted in 1964, the whole concept of reconciliation and make whole.

The alternative, in H.R. 1, suggests that rather than conciliation we must have confrontation, and rather than making whole, by restoring a person to their proper position and providing the back pay they should have received, that what we are going to do, we are going to have jury trials, punitive and compensatory damages. I do not have to tell any person in this country what that means. However, I ask the question, if people believe that present process for resolving civil rights disputes is not adequate, what makes citizens believe that going to litigation in a court of law will somehow expedite that process? The fact is, the very major case under which the whole civil rights dispute is being debated today, H.R. 1, Wards Cove, that case was filed 16 years ago.

I ask, are any of those victims given proper injustice, still awaiting the liti-

gation of their particular case in the courts? Something very interesting happened this past week which I think really puts this in perspective, and puts it in perspective on a bipartisan basis. I would like to insert for your consideration the statement by Gov. Lawton Chiles, former Democratic Senator from the State of Florida, now a Governor, on the veto last week of Senate bill 174, passed by the Florida Legislature. Here is his public statement:

My decision to veto Senate bill 174 is based upon reality, not perception. The reality is that this is a bad bill. It is vague. It is imprecise. The perception is that this bill will reduce discrimination and improve civil rights in Florida. Again, I underscore the reality is that this bill will not improve the system to stop unlawful discrimination. After hours of review, after reading and hearing the people's valid concerns in the bill, I have decided I will leave the margin in the next session in a law that will genuinely protect those in our States that are wrongfully discriminated against, that this bill would only give lawyers pleading discrimination cases, and further clog an already stifled justice system. I want a system that provides timely and effective remedies for those Floridians who have experienced and suffered injustices.

Let me go on and read from his official statement to the Secretary of the Senate where he says, and again I quote:

The greatest threat to the civil rights reform movement are laws that mislead the public by raising their expectations only to discover that the greatest beneficiaries are the lawyers who are involved in the process.

He goes on:

It seems to me that before we set in motion numerous lawsuits and jury trials with unlimited exposure and punitive damages and attorney fees, we should know exactly which statutes give rise to such a claim, and in what impact the bill will have on deterring unlawful discrimination.

Ladies and gentlemen, I have said many times and in many places that H.R. 1 does not mandate quotas. But it does result in quotas because no business in this country will consider anything but quotas as a means of balancing their work force at all levels to accurately and totally reflect the breakdown of their community, ethnically, racially, genderwise, et cetera, as a definitive measure.

The President's bill puts the burden of proof on the business—not the employee, but the business—to prove business necessity. What the President's bill does not do, however, is say that a business must prove in every case business necessity, or the failure to do that will result in a jury trial, jury award for pain and suffering.

I doubt there is a person listening, that if they were on a jury and a case of discrimination were filed, that they were able to hear as a member of that jury in 1991, that they would not improperly, would not be automatically sympathetic to the victim. We are all

for that. We are all for eliminating discrimination in our society. What we are trying to do is to find a way to eliminate discrimination without opening up a whole new series of litigation.

If we look at the history of litigation in this area for punitive and compensatory damages in the State of California, we will find that the number of cases filed has increased substantially, and we will find that the punitive and compensatory damages run usually someplace between \$3 and \$600,000.

Now, put yourself in the perspective of any small business in America because title VII of the civil rights law affects anyone with over 15 employees. So if a business owner has 20 employees in their business in small-town America, they now under this legislation would have to literally consider the breakdown ethnically, racially, and genderwise in their community and construct a work force to reflect that, or they would be liable for discrimination in punitive and compensatory damages.

To show that this is a lawyers' rights rather than a civil rights bill, I want to bring to everyone's attention what I believe is the most onerous part of H.R. 1 and the substitute that is now being circulated. In the substitute known as section 107 which is what it says, and I will read it:

(2) No waiver of all or substantially all of an attorney's fee shall be compelled as a condition of a settlement of a claim under this title except that nothing in this section shall be construed to limit the right to negotiate a settlement in which an attorney's fee is voluntarily waived in whole or in part.

Think of that for just a second. There are those who legitimately, honorably contend today that present resolution of civil rights courts, civil rights discrimination, is not adequate, and that we need to expand the remedies in order to achieve full and adequate enforcement. I do not totally agree with that, but that is a legitimate case to make. The problem is that this section says it is not the victim who even has the power to determine their own course, but it becomes the plaintiff's attorney, because once that case is filed and the employee and the employer go into negotiations, resolve that case out of court, and want to enter into a consent decree to resolve that particular element of litigation, they cannot do it under this section unless a lawyer voluntarily agrees. Is that what we want in America in 1991, in the name of civil rights?

□ 1240

This will turn all civil rights law and all civil rights enforcement over to trial lawyers who will then make the determination of what cases will be filed and when and if that case will ever be resolved in or out of court.

Now, most of you who are aware of trials under this section are also well aware that the way it happens is not

because some victim has the money to go out and hire a good lawyer on a fee basis. What they do is they hire them on a contingency fee basis, which says, "I will hire you and you will receive 40 percent of the award, whatever the award is by the jury."

What this language says is that the victim cannot resolve the case. If that attorney says, "Oh, no, I got you now. I want to take this case all the way to trial and all the way to the jury and I want to get the largest monetary damage I can."

Why? To provide proper payment and award to the victim? No; so that they can raise the amount of money they receive because it is under a contingency fee basis.

So, Mr. Speaker, I regret that Congress is not in session this afternoon. I regret that we are not passing a bipartisan civil rights bill. I have spoken to the Democratic majority leader indicating the interest on our side to negotiate a bipartisan civil rights bill the same way we negotiated a bipartisan Americans With Disabilities Act in the last session. I have spoken and I know the Republican whip has spoken to the Democratic majority leader indicating that he, too, would like bipartisan negotiations, and I believe the Republican leader has also voiced that message.

Therefore, it is essential that if this Congress wants to sign into law civil rights legislation, we need to stop, take a deep breath, set aside the partisan polarization that has occurred unfortunately on both sides of this aisle and recognize it is time that we give up civil rights as an issue and start pushing civil rights as a law, sit down and negotiate a bipartisan bill that helps the victim, that overturns the Supreme Court cases and make sure that the Civil Rights Act of 1991 is indeed a civil rights act, not a lawyer's rights act.

#### IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE 756TH TANK BATTALION, WORLD WAR II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. MORELLA] is recognized for 60 minutes.

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of the 50th anniversary of the 756th Tank Battalion which was activated on June 1, 1941, at Ft. Lewis, WA.

The 756th was mobilized with only 5 Regular Army officers and approximately 50 Regular Army enlisted men. The remainder of the battalion—whose authorized strength was 800—included approximately 35 Reserve officers and 730 enlisted men who were volunteers and draftees from 43 States. The average age of these men, when they were sent overseas for the invasion of North Africa, was 22.

The battalion was engaged in combat almost continuously for 26 of the 32 months that



it was overseas—from October 1942 until the end of World War II in May 1945. The 756th fought in North Africa, Italy, France, Germany, and Austria, amassing six campaign streamers to their colors. It was attached to one of the finest divisions in the U.S. Army—the U.S. 3d Infantry Division—for most of their operations. The other attachments for combat operations included the 36th, 45th, 85th, 88th, and 103d United States Division and the French 2d Armored Division.

The 756th's mission was to engage and destroy the enemy and to liberate occupied territory. The battalion accounted for thousands of enemy casualties and itself suffered 640 casualties. Of these, 111 were killed, the remainder were wounded, missing in action, or became prisoners of war. The authorized officer strength was 40; of these officers, 14 were killed, 17 were wounded, 3 were missing in action, and 2 became prisoners of war. Seventeen noncommissioned officers were promoted to second lieutenants on the battlefield.

The 34th Division and this battalion hammered on Cassino, the gate to the Lira Valley, for more than 30 days. The 756th was awarded the United States Presidential Citation and the French Croix de Guerre. Many members of the battalion were decorated, including two who received the Congressional Medals of Honor.

The battalion was the first wave to hit the beaches of southern France, using DD tanks that floated in water. From D-day in southern France on August 15, 1944, until the end of the war on May 8, 1945, the battalion was continuously in combat action except for one 10-day period after the devastating Colmar Pocket battle. After Colmar, the battalion, attached to the 3d Infantry Division, participated in the successful siege of the Sigfried Line and the capture of Nuremberg, Munich, and Berchtesgaden. It was stationed in Salzburg, Austria, at the end of World War II. The battalion traveled approximately 5,000 miles—from Casablanca to Salzburg.

In the opinion of knowledgeable military officers, the 756th was one of, if not the outstanding separate tank battalion in the U.S. Army during World War II.

The 756th tank monument will be put in the Fort Knox Museum on September 21 this year. I congratulate all the brave men who were part of the 756th and recognize the great sacrifices which they and their families have made over the decades.

#### RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT FOR THE 92D CONGRESS

(Mr. STOKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STOKES. Mr. Speaker, I submit the Rules of the Committee on Standards of Official Conduct, which were adopted by the committee on May 22, 1991, for printing in the RECORD, as follows:

#### RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, 102D CONGRESS

##### FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

##### PART I—GENERAL COMMITTEE RULES

###### Rule 1. General provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a) of Rule XI of the Rules of the House of Representatives, 102d Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

###### Rule 2. Definitions

(a) "Adjudicatory Subcommittee" means a subcommittee of the Committee, comprised of those Committee members not on the investigative subcommittee, that holds a disciplinary hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(b) "Committee" means the Committee on Standards of Official Conduct.

(c) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate a Preliminary Inquiry.

(d) "Disciplinary Hearing" means an adjudicatory subcommittee hearing held for the purposes of receiving evidence regarding conduct alleged in a Statement of Alleged Violation and determining whether the counts in the Statement of Alleged Violation have been proved by clear and convincing evidence.

(e) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 6 to conduct a Preliminary Inquiry to determine if a Statement of Alleged Violation should be issued.

(f) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office shall handle inquiries; prepare written opinions in response to specific requests; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(g) "Preliminary Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(h) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with

the Committee or who is the subject of a Preliminary Inquiry or a Statement of Alleged Violation.

(i) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to recommend to the House of Representatives.

(j) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct by Members, officers, or employees of the House of Representatives applicable to the performance of their duties or the discharge of their responsibilities.

##### Rule 3. Advisory opinions and waivers

(a) There is established within the Committee an Office of Advice and Education. The Office shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, or any other person specifically authorized by law, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, employee, or person.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request.

(e) Unless specifically authorized by law or resolution of the House of Representatives, written opinions may be provided only to Members, officers, and employees of the House of Representatives. Other individuals may be provided with general information regarding rules or laws, such as citations to relevant texts of publicly available documents.

(f) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(g) A written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(h) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(i) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(j) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee.

(k) The Committee shall keep confidential any request for advice, as well as any response thereto.

(l) The Committee may take no adverse action in regard to any conduct which has been undertaken in reliance on a written opinion

if the conduct conforms to the specific facts addressed in the opinion.

(m) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 4(e)(1)(B) of Rule X of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(n) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(o) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(p) An employee seeking a waiver of time limits applicable to fact-finding or substantial participation travel shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

#### Rule 4. Financial disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Office of Records and Registration, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Office of Records and Registration to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. Such extensions for one individual in a calendar year shall not exceed a total of ninety (90) days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed; or

(2) if a filing extension is granted to such individual, the last day of the filing extension period,

is required by such Act to pay a late filing fee of \$200. The Chairman and Ranking Minority Member are authorized to approve re-

quests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(D) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Office of Records and Registration for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Office of Records and Registration for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within sixty (60) days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete or (2) the filer may not be in compliance with applicable laws or rules, then the reviewing individual shall notify the Chairman and Ranking Minority Member. If the Chairman and Ranking Minority Member concur with the reviewer's opinion, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond, orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement needs clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is rea-

son to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

#### Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is not business to be considered.

(b) A subcommittee shall meet at the discretion of its chairman.

(c) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

#### Rule 6. Subcommittees—General policy and structure

(a) If the Committee determines by majority vote of its members that allegations of improper conduct (brought to its attention by a complaint or otherwise) by a Member, officer, or employee merit further inquiry, the Chairman and Ranking Minority Member of the Committee shall designate four or six members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake a Preliminary Inquiry. The senior majority and minority members of an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee. The Chairman and Ranking Minority Member of the Committee may serve only as nonvoting, ex officio members of any investigative subcommittee.

(b) If an investigative subcommittee, by a majority vote of its members, adopts a Statement of Alleged Violation, the remaining members of the Committee shall comprise an adjudicatory subcommittee to hold a Disciplinary Hearing under Committee Rule 19 on the violations alleged in the Statement.

(c) The Committee may establish other non-investigative and non-adjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(d) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(e) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

#### Rule 7. Quorums and member disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive



evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, and conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding that relates to the member's own conduct.

(f) A member of the Committee may disqualify himself or herself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 15(h) or Rule 19(a), the Chairman shall so notify the Speaker and request the Speaker to designate a Member of the House of Representatives from the same political party as the disqualifying member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

#### Rule 8. Vote requirements

(a) The following actions shall be taken only upon affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Adoption of a resolution to conduct a Preliminary Inquiry;

(2) Adoption of a Statement of Alleged Violation;

(3) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence;

(4) Sending of a letter of reproof;

(5) Adoption of a recommendation to the House of Representatives that a sanction be imposed;

(6) Adoption of a report relating to the conduct of a Member, officer, or employee;

(7) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

#### Rule 9. Communications by committee members and staff

Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee, nor shall any evidence in the possession of an investigative subcommittee be disclosed to Committee members who are not members of the subcommittee prior to the filing of a Statement of Alleged Violation with the Committee.

#### Rule 10. Committee records

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's

investigative, adjudicatory or other proceedings, including, but not limited to: (i) the fact of or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study, or other document which purports to express the views, findings, conclusions, or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer, or employee.

(c) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a Member, officer, or employee of the House of Representatives until it has transmitted a Statement of Alleged Violation under Rule 17 of the Committee rules, to such Member, officer, or employee and the Member, officer, or employee has been given full opportunity to respond pursuant to Rule 18. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives.

(d) If no public hearing or meeting is held on the matter, the Statement and any written response thereto shall be included in the Committee's final report to the House of Representatives.

(e) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(f) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule XXXVI of the Rules of the House of Representatives.

#### Rule 11. Broadcasts of committee and subcommittee proceedings

Whenever any hearing or meeting by the Committee or a subcommittee is open to the public, the Committee or subcommittee may, by a majority vote, permit coverage, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules:

(a) If television or radio presents live coverage of the hearing or meeting to the public, it shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness all media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2 (k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Execu-

tive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

#### PART II—INVESTIGATIVE AUTHORITY

##### Rule 12. House resolution

Whenever the House of Representatives, by resolution, authorizes the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

##### Rule 13. Committee authority to investigate—General policy

Pursuant to clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives, the Committee may exercise its investigative authority when—

(a) a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(b) a complaint by an individual not a Member of the House of Representatives is transmitted through a Member who agrees, in writing, to submit it for the purpose of requesting an investigation;

(c) a complaint by an individual not a Member of the House of Representatives is submitted to the Committee after three Members of the House of Representatives have refused, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation;

(d) the Committee, on its own initiative, determines that a matter warrants inquiry;

(e) a Member, officer, or employee is convicted in a Federal, State, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed; or

(f) the House of Representatives, by resolution, authorizes the Committee to undertake an investigation.

##### Rule 14. Complaints

(a) A complaint submitted to the Committee shall be in writing, under oath and dated, setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) A complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) A complaint by an individual not a Member of the House of Representatives may be transmitted through a Member who states, in writing, that it is submitted for the purpose of initiating a Preliminary Inquiry. A copy of the exact complaint submit-

ted to and transmitted by the Member must be attached to the Member's letter to the Committee.

(e) If a complaint by an individual who is not a Member of the House of Representatives is submitted to three Members of the House of Representatives who refuse, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation, the complainant may transmit the complaint to the Committee. Legible copies of each refusal letter must accompany the complaint. Each letter must clearly state the Member's refusal to transmit the complaint and contain the Member's acknowledgment that such refusal may cause the Committee to consider initiating a Preliminary Inquiry. A legible copy of the exact complaint submitted to and considered by the Member must be attached to that Member's refusal letter.

(f) A complaint must be accompanied by a certification that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(g) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the Committee has reason to believe such conduct is being reviewed by appropriate law enforcement of regulatory authorities.

(h) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(i) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(j) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

#### *Rule 15. Processing of complaints*

(a) Upon receipt of a complaint, the Committee shall determine if it complies with clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives and Rule 14 of the Committee rules.

(b) If the complaint does not comply with such House and Committee Rules, it shall be returned to the complainant with a copy of such Rules and a statement specifying why the complaint is not in compliance. The respondent shall be notified when a complaint is returned and provided the reasons therefor.

(c) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent with notice that the complaint conforms to the applicable rules and will be placed on the Committee's agenda.

(d) The respondent may provide to the Committee any information relevant to a complaint filed with the Committee. The Committee staff may request information from the respondent prior to the consideration of a Resolution of Preliminary Inquiry only when so directed by the Chairman and Ranking Minority Member.

(e) At the first meeting of the Committee following the procedures or actions specified in clauses (c) and (d), the Committee shall consider the complaint.

(f) If the Committee, by a majority vote, determines that the complaint is within the Committee's jurisdiction and merits further inquiry, it shall adopt a Resolution of Preliminary Inquiry. After such resolution is adopted, the Chairman and Ranking Minority Member shall designate four or six members to serve as an investigative subcommittee to conduct a Preliminary Inquiry in accordance with Rule 17.

(g) The respondent shall be notified, in writing, regarding the Committee's decision either to dismiss the complaint or to initiate a Preliminary Inquiry.

(h) Respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

#### *Rule 16. Committee initiated preliminary inquiry*

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the performance of his or her duties or in the discharge of his or her responsibilities.

(b) If the Committee determines that the information merits further inquiry, the Committee shall proceed in accordance with Rule 17.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be processed in accordance with subsection (a) of this Rule.

(d) An investigative or disciplinary hearing shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) Conviction of a Member, officer, or employee of the House of Representatives in a Federal, state, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed shall be a matter which merits further inquiry pursuant to Rule 15 and, after sentencing, a preliminary inquiry shall be undertaken. Notwithstanding this provision, the Committee may exercise its investigative authority at any time prior to conviction or sentencing.

#### *Rule 17. Preliminary inquiry*

(a) In a Preliminary Inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in Executive Session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced, in Executive Session.

(2) The chairman of the investigative subcommittee shall ask respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witness or their legal representative shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the Preliminary Inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the chairman and ranking minority member of the investigative subcommittee. A motion to quash a subpoena shall be decided by the Chairman of the Committee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the chairman or subcommittee member designated by him to administer oaths.

(b) During the Preliminary Inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary rulings to the members present at that proceeding. The majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is deemed by a chairman or presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(c) Upon completion of the investigation, the staff shall draft a report for the investigative subcommittee that shall contain a comprehensive summary of the information received and may include any recommendations for action by the subcommittee regarding the alleged violations.

(d) Upon completion of the Preliminary Inquiry an investigative subcommittee, by majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is reason to believe that a violation has occurred. If more than one



count is alleged, such Statement shall be divided into counts and each count shall relate to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation and include a reference to the provision of the Code of Official Conduct or law, rule, regulation, or other appropriate standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A Statement of Alleged Violation may include offenses beyond those referenced in the Resolution of Preliminary Inquiry. A copy of such Statement shall be transmitted to the respondent and respondent's counsel.

(e) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefor, and any appropriate recommendations. The Committee shall transmit such report to the House of Representatives.

#### Rule 18. Respondent's answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supportive evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 15 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 15 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 15 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to the Motion to Dismiss.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply or other pleading connected therewith shall be transmitted by the chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

#### Rule 19. Disciplinary hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 18, and no waiver pursuant to Rule 23(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the chairman and ranking minority member of the adjudicatory subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this Rule.

(c) The adjudicatory subcommittee shall hold a Disciplinary Hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At a Disciplinary Hearing the adjudicatory subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(k) of Rule XI of the Rules of the House of Representatives shall apply to Disciplinary Hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in a Disciplinary Hearing. Respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in a Disciplinary Hearing unless respondent has been afforded a prior opportunity to review such

evidence or has been provided the names of the witnesses.

(2) After a witness called by subcommittee counsel has testified on direct examination at a Disciplinary Hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the Disciplinary Hearing, respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the Disciplinary Hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary ruling to the members present at that proceeding. The majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of a Disciplinary Hearing shall be as follows:

(1) The chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The chairman shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the Preliminary Inquiry may be used in lieu of live witnesses) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent, and

(iii) rebuttal witnesses, as permitted by the chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination may be permitted at the chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the chairman, such questions shall be conducted under the five-minute rule.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witnesses' scheduled appearance to allow the witness a reasonable period of time, as determined by the chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At a Disciplinary Hearing the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that the count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

#### *Rule 20. Sanction hearing and consideration of sanctions or other recommendations*

(a) If no count in a statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes a Disciplinary Hearing pursuant to Rule 19 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reprimand or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reprimand constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

- (1) Expulsion from the House of Representatives.
- (2) Censure.
- (3) Reprimand.
- (4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

- (1) Dismissal from employment.
- (2) Reprimand.
- (3) Fine.
- (4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

#### *Rule 21. Disclosure of exculpatory information to respondent*

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information immediately known and available to the Member, officer, or employee.

#### *Rule 22. Rights of respondents and witnesses*

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for the hearing and to obtain counsel.

(d) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee the name of any witness subpoenaed to testify or to produce evidence.

(e) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(f) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(g) Each witness subpoenaed to provide testimony or other evidence shall be provided such travel expenses as the Chairman considers appropriate. No compensation shall be authorized for attorney's fees or for a witness' lost earnings.

(h) In the course of a Committee proceeding, a witness may be provided a copy of his or her deposition or other testimony if a written request is made, and if the witness and counsel (if retained) agree in writing to maintain confidentiality respecting the content of any executive session proceedings covered by such transcript.

Adopted May 22, 1991.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL (at the request of Mr. GEPHARDT), for today, on account of official business.

### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WHEAT) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROWN, for 60 minutes, on June 3.

Mrs. COLLINS of Illinois, for 60 minutes each day on June 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, and 28.

(The following Members (at the request of Mr. GUNDERSON) to revise and extend their remarks and include extraneous material:)

Mr. WASHINGTON, for 60 minutes, on June 3.

Mr. TOWNS, for 60 minutes, on June 3.



Mr. MFUME, for 60 minutes, on June 3.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. COLEMAN of Missouri, in the House today immediately prior to vote on H.R. 2426.

(The following Members (at the request of Mr. RIGGS) and to include extraneous matter:)

Mr. SOLOMON.

Mr. GINGRICH.

Mr. BALLENGER.

Mr. GALLEGLY.

Mr. RINALDO.

Mr. DAVIS.

Mr. BROOMFIELD.

Mr. CAMP.

Mr. GILLMOR.

Mr. GOODLING in two instances.

(The following Members (at the request of Mr. WHEAT) and to include extraneous matter:)

Mr. WOLPE.

Mr. MATSUI.

Mr. YATRON in two instances.

Mrs. COLLINS of Illinois.

Mr. MAZZOLI in two instances.

Mr. STARK.

Mr. APPEGATE.

Mr. RICHARDSON.

Mr. MAVROULES.

#### ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 232. An act to amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes;

H.R. 831. An act to designate the Owens Finance Station of the U.S. Postal Service in Cleveland, OH, as the "Jesse Owens Building of the United States Postal Service";

H.R. 2127. An act to amend the Rehabilitation Act of 1973 to extend the programs of such act, and for other purposes; and

H.R. 2251. An act making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

#### ADJOURNMENT

Mr. GUNDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, June 3, 1991, at 12 noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1398. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards and specifications for agricultural products; to the Committee on Agriculture.

1399. A letter from the Director, Environmental Restoration and Management, Department of Energy, transmitting a design report on a formal priority system for environmental restoration; to the Committee on Appropriations.

1400. A letter from the Chief, Legislative Liaison, Department of the Army, transmitting notification of the decision not to convert to contractor performance and to retain the in-house operation of the logistics services function at the Sacramento District, USACE, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

1401. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to permit members of the uniformed services and their dependents to defer travel authorized in conjunction with a consecutive overseas tour for up to 1 year; to the Committee on Armed Services.

1402. A letter from the Secretary of the Navy, transmitting notification of the Navy's intention to construct a research and development underwater explosion test facility at Aberdeen Proving Grounds; to the Committee on Armed Services.

1403. A letter from the Secretary of Housing and Urban Development, transmitting the Department's eighth annual report on the Congregate Housing Services Program covering fiscal year 1989, pursuant to 42 U.S.C. 8007(b); to the Committee on Banking, Finance and Urban Affairs.

1404. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Venezuela, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1405. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Venezuela, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1406. A letter from the Secretary of Housing and Urban Development, transmitting a study of housing developed under section 202 of the Housing Act of 1959 and a statistically significant sample of housing assisted under section 8 of the U.S. Housing Act of 1937 to determine existing funds contained in residual receipt accounts; to the Committee on Banking, Finance and Urban Affairs.

1407. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the activities of the U.S. Travel and Tourism Administration for fiscal year 1992; to the Committee on Energy and Commerce.

1408. A letter from the Secretary of State, transmitting a report regarding the continuing human rights violations by the Republic of Serbia; to the Committee on Foreign Affairs.

1409. A letter from the Secretary, Department of the Interior, transmitting the semi-annual report of the Department's Inspector General, pursuant to Public Law 95-452, sec-

tion 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1410. A letter from the Inspector General, Corporation for Public Broadcasting, transmitting the semiannual report of activities of the Inspector General covering the period October 1, 1990 to March 31, 1991, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1411. A letter from the Chairman, National Credit Union Administration, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1412. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1413. A letter from the Comptroller General, General Accounting Office, transmitting a report and recommendation concerning the claim of Ms. Olufunmilayo O. Omokaye, who performed services for the National Labor Relations Board, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

1414. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 1990 annual report of the Director of the Administrative Office of the U.S. Courts together with the March and September proceedings of the Judicial Conference of the United States held during 1990, pursuant to 28 U.S.C. 604 (a)(4), (h)(2), 2412(d)(5); 28 U.S.C. 331; to the Committee on the Judiciary.

1415. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of Transportation to deny or revoke an endorsement on a document issued under chapter 121 of title 46, United States Code, to a vessel whose owner has not paid an assessment of a civil penalty after final agency action, and for other purposes; to the Committee on Merchant Marine and Fisheries.

1416. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend rules 1 and 8 in the Inland Navigational Rules Act of 1980 (33 U.S.C. chapter 2001 et seq.) in order to conform them to the International Regulations for Preventing Collisions at Sea, 1972; to the Committee on Merchant Marine and Fisheries.

1417. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend title 49, United States Code, to impose a 1-year moratorium on rate tariff filing requirement for motor common carriers of property, and for other purposes; to the Committee on Public Works and Transportation.

1418. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve the housing loan program for veterans by reducing administrative regulation, enhancing the financial solvency of such program, and for other purposes; to the Committee on Veterans' Affairs.

1419. A letter from the Acting Chairman, U.S. International Trade Commission, transmitting its annual report for fiscal year 1990, pursuant to 19 U.S.C. 1332(g); to the Committee on Ways and Means.

1420. A letter from the Administrator, Agency for International Development, transmitting a report in compliance with section 513 providing its wind-up plan for its

economic assistance activities as they apply to Thailand, as a result of the military coup there in February 1991; jointly, to the Committees on Appropriations and Foreign Affairs.

1421. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to streamline the facilities infrastructure of the U.S. Army Corps of Engineers, and for other purposes; jointly, to the Committees on Armed Services and Public Works and Transportation.

1422. A letter from the Secretary, Department of Veterans Affairs, transmitting the fourth annual report on the administration of the Montgomery G.I. Bill Educational Assistance Program, pursuant to 38 U.S.C. 1436; jointly, to the Committees on Veterans' Affairs and Armed Services.

1423. A letter from the Director, Congressional Budget Office, transmitting a report on government-sponsored enterprises, pursuant to Public Law 101-508, section 13501(c)(1) (104 Stat. 1388-629); jointly to the Committees on Agriculture, Banking, Finance and Urban Affairs, and Education and Labor.

1424. A letter from the Acting Secretary of Treasury, transmitting draft of proposed legislation for three bills; jointly, to the Committees on Banking, Finance and Urban Affairs, Education and Labor, Agriculture, and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FAZIO. Committee on Appropriations. H.R. 2506. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-82). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPELGATE (for himself, Mr. STOKES, Mr. MOLLOHAN, Mr. DARDEN, Mr. KOLTER, Mr. ROE, Mr. McEWEN, Mr. HYDE, Mr. BOEHLERT, Mr. MURTHA, Mr. MURPHY, and Mr. GAYDOS):

H.R. 2492. A bill to amend the Internal Revenue Code of 1986 to repeal the provision which includes unemployment compensation in income subject to tax; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 2493. A bill to amend the Internal Revenue Code of 1986 to extend the principal campaign committee of any candidate for elective public office the same graduated tax rates which apply to the principal campaign committee of a candidate for Congress; to the Committee on Ways and Means.

By Mr. ESPY:

H.R. 2494. A bill to provide disaster assistance for agricultural producers who suffer losses to 1991 crops as a result of damaging weather or other related condition; to the Committee on Agriculture.

By Mr. GOODLING:

H.R. 2495. A bill to expand and strengthen Federal programs by providing incentives to encourage individuals to enter the teaching

profession, and for other purposes; to the Committee on Education and Labor.

By Mr. GOODLING (for himself, Mr. GUNDERSON, Ms. MOLINARI, and Mr. HENRY):

H.R. 2496. A bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, to establish the Youth Opportunities Unlimited Program, and for other purposes; to the Committee on Education and Labor.

By Ms. KAPTUR:

H.R. 2497. A bill to require that certain information relating to nursing home aides and home health care aides be collected by the National Center for Health Statistics and the Bureau of Labor Statistics, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. KOSTMAYER:

H.R. 2498. A bill to prohibit certain arms transactions with countries that maintain or participate in the maintenance of any boycott related list of U.S. persons in violation of U.S. law; to the Committee on Foreign Affairs.

By Mr. MATSUI (for himself and Mr. VANDER JAGT):

H.R. 2499. A bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonselective deferred compensation; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2500. A bill to amend title XVIII of the Social Security Act to provide for coverage of certain prescription drugs under part B of the Medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. JONTZ (for himself and Mr. RAVENEL):

H.R. 2501. A bill to provide for the full recovery of the Federal Government's costs of selling timber on national forest lands, to require site-specific identification of national forest lands that are not economically suitable for timber harvesting, to remove that land from the suitable timber base and make associated adjustments in the allowable sale quantity, to assist in the economic transition of timber dependent communities, and for other purposes; to the Committee on Agriculture.

By Mr. RICHARDSON:

H.R. 2502. A bill to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALSH:

H.R. 2503. A bill to amend the Federal Election Campaign Act of 1971 to impose a \$200 cap on contributions from a single source in a House of Representatives election, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Rules.

By Mr. WOLPE (for himself, Mr. WILLIAMS, and Mr. RANGEL):

H.R. 2504. A bill entitled the "Educational Exchanges Enhancement Act of 1991"; to the Committee on Foreign Affairs.

By Mr. ZIMMER (for himself, Mr. ANDREWS of New Jersey, Mr. DWYER of New Jersey, Mr. GALLO, Mr. GUARINI, Mrs. ROUKEMA, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 2505. A bill to impose a 10-year moratorium on oil and gas leasing in certain areas off the coast of New Jersey; to the Committee on Interior and Insular Affairs.

By Mr. SOLOMON (for himself, Mr. MARKEY, Mr. ROSE, Mr. SCHULZE, Mr.

JENKINS, Mr. DONNELLY, Mr. HUNTER, Mr. FRANK of Massachusetts, Mr. RAVENEL, Mr. KASICH, Mr. BURTON of Indiana, Mr. HOPKINS, Mr. WALSH, Mr. APPELGATE, Mr. ROHRBACHER, Mr. KOLTER, and Ms. PELOSI):

H.J. Res. 263. Joint resolution disapproving the extension of nondiscriminatory treatment, (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Ways and Means.

#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

149. By the SPEAKER: Memorial of the Legislature of the State of Florida, relative to developing alcohol fuels for motor vehicles; to the Committee on Energy and Commerce.

150. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to financial support to Bangladesh; to the Committee on Foreign Affairs.

151. Also, memorial of the Legislature of the State of Florida, relative to information on POW/MIA's; to the Committee on Government Operations.

152. Also, memorial of the Senate of the State of Indiana, relative to the desecration of the U.S. flag; to the Committee on the Judiciary.

153. Also, memorial of the House of Representatives of the State of Hawaii, relative to revoking driver's licenses of drug offenders; to the Committee on Public Works and Transportation.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 317: Mr. DWYER of New Jersey.

H.R. 500: Mr. BEREUTER.

H.R. 552: Mr. MARKEY.

H.R. 583: Mr. OWENS of Utah.

H.R. 696: Mr. NEAL of Massachusetts and Mr. SANTORUM.

H.R. 709: Mr. BACCHUS, Mr. JEFFERSON, Mr. ROGERS, and Ms. MOLINARI.

H.R. 736: Mr. LENT.

H.R. 786: Mr. MORAN and Mr. STUDDS.

H.R. 830: Mr. OWENS of Utah.

H.R. 939: Mr. HARRIS and Mr. DICKINSON.

H.R. 1080: Mr. BLILEY, Mr. GALLEGLY, Mr. CRANE, Mr. LENT, Mr. ROGERS, Mr. BLAZ, Mr. MOORHEAD, Ms. ROS-LEHTINEN, Mr. McEWEN, Mr. WELDON, and Mr. TRAFICANT.

H.R. 1184: Mr. BAKER, Mr. VALENTINE, and Mr. KYL.

H.R. 1197: Mr. KILDEE, Mr. MOLLOHAN, Mr. PETERSON of Florida, Mr. STAGGERS, and Mr. WILLIAMS.

H.R. 1288: Mr. FORD of Tennessee, Mr. LANCASTER, Mr. DIXON, Mr. McMILLEN of Maryland, and Mr. JEFFERSON.

H.R. 1345: Mr. COMBEST, Mr. VALENTINE, and Mr. HYDE.

H.R. 1360: Mr. SKAGGS and Mr. VENTO.

H.R. 1361: Mr. GORDON and Mr. PARKER.

H.R. 1400: Mr. WALKER, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. GRADISON, and Mr. RITTER.

H.R. 1414: Mrs. MINK.

H.R. 1454: Ms. PELOSI, Mr. SISISKY, Mr. MAZZOLI, Mr. STALLINGS, Mr. MACHTELEY, and Mr. ROYBAL.



H.R. 1502: Mr. DIXON, Mr. WHEAT, Mr. WILSON, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. RAMSTAD, Mr. SWETT, and Ms. DELAURO.

H.R. 1516: Mr. HOAGLAND, Mr. NAGLE, and Mr. TAUZIN.

H.R. 1568: Mr. MARTINEZ.

H.R. 1598: Mr. BEREUTER, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. JONES of North Carolina, Mr. SAXTON, Mrs. UNSOELD, and Mr. BURTON of Indiana.

H.R. 1662: Mr. MFUME, Mr. ACKERMAN, Mr. ROYBAL, Mr. GORDON, and Mr. LAFALCE.

H.R. 1755: Mr. NICHOLS.

H.R. 1914: Mr. FALEOMAVAEGA, Mr. RANGEL, Mr. HAYES of Illinois, Mr. BERMAN, and Mr. SERRANO.

H.R. 1970: Mr. FISH.

H.R. 2027: Mr. LAGOMARSINO, Mr. SCHEUER, and Mr. INHOFE.

H.R. 2063: Mr. JEFFERSON.

H.R. 2201: Mr. HERTEL, Mr. LANCASTER, and Mr. FISH.

H.R. 2233: Mr. JONTZ and Mr. ROSE.

H.R. 2240: Mr. BEREUTER, Mr. EVANS, Mr. JOHNSON of South Dakota, Mr. MONTGOMERY, Mr. RAHALL, Mr. SMITH of Texas, Mr. WILSON, Mr. ROSE, and Mrs. MINK.

H.R. 2274: Mrs. MEYERS of Kansas.

H.R. 2354: Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. SMITH of Florida, Mr. BONIOR, Mr. STARK, Mr. MARTINEZ, Mr. FROST, Mr. SYNAR, Ms. PELOSI, Mr. ACKERMAN, and Mr. KLUG.

H.R. 2386: Mr. CHAPMAN, Mr. SMITH of Florida, Mr. HENRY, and Mr. DEFazio.

H.R. 2448: Mr. APPELGATE, Mr. BAKER, Mr. BATEMAN, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. CONDIT, Mr. COUGHLIN, Mr. COYNE, Mr. DAVIS,

Mr. DORNAN of California, Mr. EDWARDS of Oklahoma, Mr. FRANKS of Connecticut, Mr. GAYDOS, Mr. GEREN of Texas, Mr. GINGRICH, Mr. GOSS, Mr. HOLLOWAY, Mr. HUNTER, Mr. HYDE, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. KOLBE, Mr. KOSTMAYER, Mr. LIGHTFOOT, Mr. MACHTLEY, Mr. MCCLOSKEY, Mr. MCCRERY, Mr. MCGRATH, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. MURPHY, Mr. PARKER, Mr. PURSELL, Mr. RIGGS, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, Mr. RUSSO, Mr. SCHULZE, Mr. SHAYS, Mr. SHUSTER, Mr. SKEEN, Mr. SOLOMON, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. SPRATT, Mr. STENHOLM, Mr. TAYLOR of Mississippi, Mr. TRAFICANT, Mr. WISE, Mr. KOLTER, Mr. CAMPBELL of Colorado, Mr. DANNEMEYER, Mr. VANDER JAGT, Mr. SLATTERY, Mr. MCEWEN, Mr. ZIMMER, Mrs. BYRON, Mrs. COLLINS of Illinois, Mr. FAWELL, Mr. GUNDERSON, Mr. MFUME, Mr. ROHRBACHER, Mr. SCHEUER, Mr. STEARNS, Mr. TORRICELLI, and Mr. WOLF.

H.R. 2460: Mr. LOWERY of California and Mr. MCEWEN.

H.J. Res. 219: Mr. SMITH of Oregon, Mr. MINETA, Mr. HAMMERSCHMIDT, Mr. CARDIN, Mr. JONES of North Carolina, Mr. COSTELLO, Mr. SCHEUER, and Mr. JONES of Georgia.

H.J. Res. 243: Mr. RITTER, Mr. FUSTER, Mr. CLEMENT, Mr. GUARINI, Mr. CALLAHAN, Mr. EMERSON, Mr. JONES of Georgia, Mr. DEFazio, Mr. LIPINSKI, Mr. MCNULTY, Mr. FAZIO, Mr. JONTZ, Mr. RANGEL, Mr. DELLUMS, Mr. OWENS of Utah, Mr. ESPY, Mr. BONIOR, Mr. WAXMAN, Mr. MOORHEAD, Mr. MINETA, Mr. LANCASTER, Mr. SHAYS, Mr. BENNETT, Mr. WALSH, Ms. SLAUGHTER of New York, Mr. FALEOMAVAEGA, Mrs. LOWEY of New York, and Mr. HAYES of Louisiana.

H. Con. Res. 30: Mr. SOLOMON.

H. Con. Res. 91: Mr. SIKORSKI and Mr. BEIL-ENSON.

H. Con. Res. 113: Mr. ECKART, Mr. JONTZ, Mr. THOMAS of Georgia, Mr. MFUME, and Mr. AUCOIN.

H. Con. Res. 118: Mr. FALEOMAVAEGA and Mr. EMERSON.

H. Con. Res. 130: Mr. HERTEL.

H. Con. Res. 160: Mr. ABERCROMBIE, Mr. MCCLOSKEY, Mr. DEFazio, Mr. KOPETSKI, Mrs. LOWEY of New York, Ms. WATERS, Mr. EVANS, Mr. ANDREWS of New Jersey, Mr. SERRANO, Ms. SLAUGHTER of New York, and Mr. LEWIS of Georgia.

H. Res. 40: Ms. NORTON.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 20: Mr. DICKINSON.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

84. The SPEAKER presented a petition of the Town Council, Coupeville, WA, relative to the base closure at Whidbey Island Naval Air Station; which was referred to the Committee on Armed Services.